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F. ENGELS

THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY AND THE STATE

In the Light of the Researches of Lewis H. Morgan

Sixth Impression

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TO THE READER

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PREFACE
TO THE FIRST EDITION
1884

The following chapters constitute, in a sense, the fulfilment of a bequest. It was no less a person than Karl Marx who had planned to present the results of Morgan's researches in connection with the conclusions arrived at by his own—within certain limits I might say our own—materialist investigation of history and thus to make clear their whole significance. For Morgan rediscovered in America, in his own way, the materialist conception of history that had been discovered by Marx forty years ago, and in his comparison of barbarism and civilization was led by this conception to the same conclusions, in the main points, as Marx had arrived at. And just as *Capital* was for years both zealously plagiarized and persistently hushed up on the part of the official economists in Ger-

many, so was Morgan's *Ancient Society*[1] treated by the spokesmen of "prehistoric" science in England. My work can offer but a meagre substitute for that which my departed friend was not destined to accomplish. However, I have before me, in his extensive extracts from Morgan,[2] critical notes which I reproduce here wherever this is at all possible.

According to the materialistic conception, the determining factor in history is, in the last resort, the production and reproduction of immediate life. But this itself is of a twofold character. On the one hand, the production of the means of subsistence, of food, clothing and shelter and the tools requisite therefore; on the other, the production of human beings themselves, the propagation of the species. The social institutions under which men of a definite historical epoch and of a definite country live are conditioned by both kinds of production: by the stage of development of labour, on the one hand, and of the family, on the other. The less

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[1] *Ancient Society, or Researches in the Lines of Human Progress from Savagery Through Barbarism to Civilization.* By Lewis H. Morgan, London, MacMillan & Co., 1877. This book was printed in America, and is remarkably difficult to obtain in London. The author died a few years ago. [*Note by Engels.*]

[2] The reference is to Karl Marx's *Abstract of Morgan's "Ancient Society"*, published in Russian in 1945. See *Marx-Engels Archive*, Vol. IX —*Ed.*

the development of labour, and the more limited its volume of production and, therefore, the wealth of society, the more preponderatingly does the social order appear to be dominated by ties of sex. However, within this structure of society based on ties of sex, the productivity of labour develops more and more; with it, private property and exchange, differences in wealth, the possibility of utilizing the labour power of others, and thereby the basis of class antagonisms: new social elements, which strive in the course of generations to adapt the old structure of society to the new conditions, until, finally, the incompatibility of the two leads to a complete revolution. The old society based on sex groups bursts asunder in the collision of the newly-developed social classes; in its place a new society appears, constituted in a state, the lower units of which are no longer sex groups but territorial groups, a society in which the family system is entirely dominated by the property system, and in which the class antagonisms and class struggles, which make up the content of all hitherto *written* history, now freely develop.

Morgan's great merit lies in having discovered and reconstructed this prehistoric foundation of our written history in its main features, and in having found in the sex groups of the North American Indians the key to the most

important, hitherto insoluble, riddles of the earliest Greek, Roman and German history. His book, however, was not the work of one day. He grappled with his material for nearly forty years until he completely mastered it. That is why his book is one of the few epoch-making works of our time.

In the following exposition the reader will, on the whole, easily be able to distinguish between what has been taken from Morgan and what I have added myself. In the historical sections dealing with Greece and Rome I have not limited myself to Morgan's data, but have added what I had at my disposal. The sections dealing with the Celts and the Germans are substantially my own; here Morgan had at his disposal almost exclusively second-hand sources, and, as far as German conditions were concerned—with the exception of Tacitus—only the wretched liberal falsifications of Mr. Freeman. The economic arguments, sufficient for Morgan's purpose but wholly inadequate for my own, have all been elaborated afresh by myself. And, finally, I of course am responsible for all conclusions wherever Morgan is not expressly quoted.

Written by Engels for the first edition of his book *The Origin of the Family, Private Property and the State*, which appeared in Zurich in 1884

Printed according to the text of the fourth edition of the book
Translated from the German

PREFACE
TO THE FOURTH EDITION
1891

The previous large editions of this work have been out of print now for almost six months and the publisher has for some time past desired me to prepare a new edition. More urgent tasks have hitherto prevented me from doing so. Seven years have elapsed since the first edition appeared, and during this period our knowledge of the original forms of the family has made important progress. It was, therefore, necessary diligently to apply the hand to the work of amplification and improvement, particularly in view of the fact that the proposed stereotyping of the present text will make further changes on my part impossible for some time to come.

I have, therefore, submitted the whole text to a careful revision, and have made a number of additions, in which, I hope, due regard has been paid to the present state of science. Further, in the course of this preface, I give a brief review of the development of the history of the family from Bachofen to Morgan, principally

because the English prehistoric school, which is tinged with chauvinism, continues to do its utmost to kill by silence the revolution Morgan's discoveries have made in conceptions of the history of primitive society, although it does not hesitate in the least to appropriate his results. Elsewhere, too, this English example is followed only too often.

My work has been translated into various languages. First into Italian: *L'origine della famiglia, della proprietà privata e dello stato, versione riveduta dall'autore, di Pasquale Martignetti*; Benevento 1885. Then Rumanian: *Origina familei, proprietatei private si a statului, traducere de Joan Nadejde*, in the Yassy periodical *Contemporanul*, September 1885 to May 1886. Further into Danish: *Familiens, Privatejendommens og Statens Oprindelse, Dansk, af forfatteren gennemgaaet Udgave, besörget af Gerson Trier*, Köbenhavn 1888. A French translation by Henri Ravé based on the present German edition is in the press.

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Until the beginning of the sixties there was no such thing as a history of the family. In this sphere historical science was still completely under the influence of the Five Books of Moses. The patriarchal form of the family, described there in greater detail than anywhere else, was not only implicitly accepted as the oldest form

of the family, but also—after excluding polygamy—identified with the present-day bourgeois family, as if the family had really undergone no historical development at all. At most it was admitted that a period of promiscuous sexual relationships might have existed in primeval times. To be sure, in addition to monogamy, Oriental polygamy and Indo-Tibetan polyandry were also known, but these three forms could not be arranged in any historical sequence and appeared disconnectedly alongside of each other. That among certain peoples of ancient times, and among some still existing savages, the line of descent was reckoned not from the father but from the mother and, therefore, the female lineage alone was regarded as valid; that among many peoples of today marriage within definite larger groups—not subjected to closer investigation at that time—is prohibited, and that this custom is to be met with in all parts of the world—these facts were indeed known and new examples were constantly being brought to light. But nobody knew what to do with them, and even in E. B. Tylor's *Researches into the Early History of Mankind*, etc. (1865),[1] they figure merely as "strange customs" along with the taboo in force among some savages

[1] E. B. Tylor, *Researches into the Early History of Mankind and the Development of Civilization*, London 1865.—*Ed*

against the touching of burning wood with iron tools, and similar religious bosh and nonsense.

The study of the history of the family dates from 1861, from the publication of Bachofen's *Mother Right*. In this work the author advances the following propositions: 1) that in the beginning humanity lived in a state of sexual promiscuity, which the author unhappily designates as "hetaerism"; 2) that such promiscuity excludes all certainty as regards paternity, that lineage, therefore, could be reckoned only through the female line—according to mother right—and that originally this was the case among all the peoples of antiquity; 3) that consequently women, who, as mothers, were the only definitely ascertainable parents of the younger generation, were treated with a high degree of consideration and respect, which, according to Bachofen's conception, was enhanced to the complete rule of women (gynecocracy); 4) that the transition to monogamy, where the woman belongs exclusively to one man, implied the violation of a primeval religious injunction (that is, in actual fact, the violation of the ancient traditional right of the other men to the same woman), a violation which had to be atoned for, or the toleration of which had to be purchased, by surrendering the woman for a limited period of time.

Bachofen finds evidence in support of these

propositions in countless passages of ancient classical literature, which he had assembled with extraordinary diligence. According to him, the evolution from "hetaerism" to monogamy, and from mother right to father right, takes place, particularly among the Greeks, as a consequence of the evolution of religious ideas, the intrusion of new deities, representatives of the new outlook, into the old traditional pantheon representing the old outlook, so that the latter is more and more driven into the background by the former. Thus, according to Bachofen, it is not the development of the actual conditions under which men live, but the religious reflection of these conditions of life in the minds of men that brought about the historical changes in the mutual social position of man and woman. Bachofen accordingly points to the *Oresteia* of Aeschylus as a dramatic depiction of the struggle between declining mother right and rising and victorious father right in the Heroic Age. Clytemnestra has slain her husband Agamemnon, just returned from the Trojan War, for the sake of her lover Aegisthus; but Orestes, her son by Agamemnon, avenges his father's murder by slaying his mother. For this he is pursued by the Erinyes, the demonic defenders of mother right, according to which matricide is the most heinous and inexpiable of crimes. But Apollo, who through his oracle has incited

Orestes to commit this deed, and Athena, who is called in as arbiter—the two deities which here represent the new order, based on father right—protect him. Athena hears both sides. The whole controversy is briefly summarized in the debate which now ensues between Orestes and the Erinyes. Orestes declares that Clytemnestra is guilty of a double outrage; for in killing *her* husband she also killed *his* father. Why then have the Erinyes persecuted him and not Clytemnestra, who is much the greater culprit? The reply is striking:

"Unrelated by blood was she to the man that she slew."

The murder of a man not related by blood, even though he be the husband of the murderess, is expiable and does not concern the Erinyes. Their function is to avenge only murders among blood-relatives, and the most heinous of all these, according to mother right, is matricide. Apollo now intervenes in defence of Orestes. Athena calls upon the Areopagites—the Athenian jurors—to vote on the question. The votes for acquittal and for the conviction are equal. Then Athena, as President of the Court, casts her vote in favour of Orestes and acquits him. Father right has gained the day over mother right. The "gods of junior lineage," as they are described by the Erinyes themselves, are victo-

rious over the Erinyes, and the latter allow themselves finally to be persuaded to assume a new office in the service of the new order.

This new but absolutely correct interpretation of the *Oresteia* is one of the best and most beautiful passages in the whole book, but it shows at the same time that Bachofen himself believes in the Erinyes, Apollo and Athena at least as much as Aeschylus did in his day; he, in fact, believes that in the Heroic Age of Greece they performed the miracle of overthrowing mother right and replacing it by father right. Clearly, such a conception—which regards religion as the decisive lever in world history—must finally end in sheer mysticism. It is, therefore, an arduous and by no means always profitable task to wade through Bachofen's bulky quarto volume. But all this does not detract from his merit as a pioneer, for he was the first to substitute for mere phrases about an unknown primitive condition of promiscuous sexual intercourse proof that ancient classical literature teems with traces of a condition that had in fact existed before monogamy among the Greeks and the Asiatics, in which not only a man had sexual intercourse with more than one woman, but a woman had sexual intercourse with more than one man, without violating the established custom; that this custom did not disappear without leaving traces in the form of the limited surrender by

which women were compelled to purchase their right to monogamian marriage; that descent, therefore, could originally be reckoned only in the female line, from mother to mother; that this exclusive validity of the female line persisted far into the time of monogamy with assured, or at least recognized, paternity; and that this original position of the mother as the sole certain parent of her children assured her, and thus women in general, a higher social status than they have ever enjoyed since. Bachofen did not express these propositions as clearly as this—his mystical outlook prevented him from doing so; but he proved that they were correct, and this, in 1861, meant a complete revolution.

Bachofen's bulky tome was written in German, that is, in the language of the nation which, at that time, interested itself less than any other in the prehistory of the present-day family. He, therefore, remained unknown. His immediate successor in this field appeared in 1865, without ever having heard of Bachofen.

This successor was J. F. McLennan, the direct opposite of his predecessor. Instead of the talented mystic, we have here the dry-as-dust lawyer: instead of exuberant poetic fancy, we have the plausible arguments of the advocate pleading his case. McLennan finds among many savage, barbarian and even civilized peoples of ancient and modern times a form of marriage in

which the bridegroom, alone or accompanied by friends, has to feign to carry off the bride from her relatives by force. This custom must be the survival of a previous custom, whereby the men of one tribe acquired their wives from outside, from other tribes, by actually abducting them by force. How then did this "marriage by abduction" originate? As long as men could find sufficient women in their own tribe there was no occasion for it whatsoever. But quite as often we find that among undeveloped peoples certain groups exist (which round about 1865 were still often identified with the tribes themselves) within which marriage is forbidden, so that the men are obliged to secure their wives, and the women their husbands, from outside the group; while among others the custom prevails that the men of a certain group are compelled to find their wives only within their own group. McLennan calls the first type of group exogamous, and the second endogamous, and without further ado establishes a rigid antithesis between exogamous and endogamous "tribes." And although his own researches into exogamy bring under his very nose the fact that in many, if not most, or even all cases this antithesis exists only in his own imagination, he nevertheless makes it the foundation of his entire theory. Accordingly, exogamous tribes may procure their wives only from other tribes;

and in the state of permanent intertribal warfare that is characteristic of savagery this, he believes, could be done only by abduction.

McLennan argues further: Whence this custom of exogamy? The conceptions of consanguinity and incest have nothing to do with it, for these are things which developed only much later. But the custom, wide-spread among savages, of killing female children immediately after birth, might. This custom created a superfluity of men in each individual tribe, the necessary and immediate sequel of which was the common possession of a woman by a number of men—polyandry. The consequence of this again was that the mother of a child was known, but the father was not, hence kinship was reckoned only in the female line to the exclusion of the male—mother right. And another consequence of the dearth of women within a tribe—a dearth mitigated but not overcome by polyandry—was precisely the systematic, forcible abduction of women of other tribes. "As exogamy and polyandry are referable to one and the same cause—a want of balance between the sexes—we are forced *to regard all the exogamous races as having originally been polyandrous*.... Therefore, we must hold it to be beyond dispute that among exogamous races the first system of kinship was that which recognized blood ties through mothers only."

(McLennan, *Studies in Ancient History*, 1886. *Primitive Marriage*,[1] p. 124.)

McLennan's merit lies in having drawn attention to the general prevalence and great importance of what he terms exogamy. But he by no means *discovered* the existence of exogamous groups, and still less did he understand it. Apart from the earlier, isolated notes of many observers which served as McLennan's sources, Latham (*Descriptive Ethnology*, 1859[2]) exactly and correctly described this institution among the Indian Magars and declared that it was generally prevalent and existed in all parts of the world—a passage which McLennan himself quotes. And our Morgan, too, as far back as 1847, in his letters on the Iroquois (in the *American Review*) and in 1851 in *The League of the Iroquois*[3] proved that it existed in this tribe, and described it correctly, whereas, as we shall see, McLennan's lawyer's mentality caused far greater confusion on this subject than Bachofen's mystical fantasy did in the sphere of mother right. It is also to McLennan's credit that he recognized the system of tracing descent through

[1] J. F. McLennan, *Studies in Ancient History*, comprising a reprint of *Primitive Marriage*, London 1886.—*Ed.*

[2] R. G. Latham, *op. cit.*, vols. I-II, London 1859.—*Ed.*

[3] L. H. Morgan, *League of the Ho-dé-no-sau-nee, or Iroquois*, Rochester 1851.—*Ed.*

mothers as the original one, although, as he himself admitted later, Bachofen anticipated him in this. But here again he is far from clear; he speaks continually of "kinship through females only" and constantly applies this expression—correct for an earlier stage—also to later stages of development, where, although descent and inheritance are still exclusively reckoned in the female line, kinship is also recognized and expressed in the male line. This is the restricted outlook of the jurist, who creates a rigid legal term for himself and continues to apply it without modification to conditions which in the meantime have rendered it inapplicable.

In spite of its plausibility, McLennan's theory evidently did not seem to be too well founded even to the author himself. At least, he himself is struck by the fact that "it is observable that the form of [mock] capture is now most distinctly marked and impressive just among those races which have *male* kinship [meaning descent through the male line]" (p. 140). And, again: "It is a curious fact that nowhere now, that we are aware of, is infanticide *a system* where exogamy and the earliest form of kinship co-exist" (p. 146). Both these facts directly refute his interpretation, and he can oppose to them only new, still more intricate hypotheses.

Nevertheless, in England his theory met with great approbation and evoked great response.

McLennan was generally accepted there as the founder of the history of the family, and the most eminent authority in this field. His antithesis between exogamous and endogamous "tribes," notwithstanding the few exceptions and modifications admitted, remained nevertheless the recognized foundation of the prevailing view, and was the blinker which made any free survey of the field under investigation and, consequently, any definite progress, impossible. The overrating of McLennan, which became the vogue in England and, following the English fashion, elsewhere as well, makes it a duty to point out in contrast that the harm he caused with his completely erroneous antithesis between exogamous and endogamous "tribes" outweighs the good done by his researches.

Meanwhile, more and more facts soon came to light, which did not fit into his neat scheme. McLennan knew only three forms of marriage —polygamy, polyandry and monogamy. But once attention had been directed to this point, more and more proofs were discovered of the fact that among undeveloped peoples forms of marriage existed in which a group of men possessed a group of women in common; and Lubbock (in his *The Origin of Civilization*, 1870[1]) acknowl-

[1] J. Lubbock, *The Origin of Civilization and the Primitive Condition of Man. Mental and Social Condition of Savages*, London 1870.—*Ed.*

edged this group marriage ("communal marriage") to be a historical fact.

Immediately after, in 1871, *Morgan* appeared with new and, in many respects, conclusive material. He had become convinced that the peculiar system of kinship prevailing among the Iroquois was common to all the aborigines of the United States and was thus spread over a whole continent, although it conflicted directly with the degrees of kinship actually arising from the connubial system in force there. He thereupon prevailed on the American Federal Government to collect information about the kinship systems of the other peoples, on the basis of questionnaires and tables drawn up by himself; and he discovered from the answers: 1) that the American Indian system of kinship prevailed also among numerous tribes in Asia, and, in a somewhat modified form, in Africa and Australia; 2) that it was completely explained by a form of group marriage, now approaching extinction, in Hawaii and in other Australian islands; and 3) that, however, alongside this marriage form, a system of kinship prevailed in these same islands which could only be explained by a still earlier but now extinct form of group marriage. He published the collected data and his conclusions from them in his *Systems of Consanguinity and Affinity*,

1871[1] and thereby carried the discussion on to an infinitely wider field. Taking the systems of kinship as his starting point, he reconstructed the forms of the family corresponding to them, and thereby opened up a new avenue of investigation and a more far-reaching retrospect into the prehistory of mankind. Were this method to be recognized as valid, McLennan's neat construction would be resolved into thin air.

McLennan defended his theory in a new edition of *Primitive Marriage* (*Studies in Ancient History*, 1876). While he himself very artificially constructs a history of the family out of sheer hypotheses, he demands of Lubbock and Morgan not only proofs for every one of their statements, but proofs of incontestable validity such as alone would be admitted in a Scottish court of law. And this is done by the man who, from the close relationship between one's mother's brother and one's sister's son among the Germans (Tacitus, *Germania*, c. 20), from Caesar's report that the Britons in groups of ten or twelve possessed their wives in common, and from all the other reports of ancient writers concerning community of women among the barbarians, unhesitatingly concludes that polyandry was the rule among all these peo-

[1] L. H. Morgan, *Systems of Consanguinity and Affinity of the Human Family*, Washington 1871.—*Ed.*

ples! It is like listening to counsel for the prosecution, who permits himself every license in preparing his own case, but demands the most formal and legally most valid proof for every word of counsel for the defence.

Group marriage is a pure figment of the imagination, he asserts, and thus falls back far behind Bachofen. Morgan's systems of kinship, he says, are nothing more than mere precepts on social politeness, proved by the fact that the Indians also address strangers, white men, as "brother," or "father." It is as if one were to argue that the terms father, mother, brother, sister are merely empty forms of address because Catholic priests and abbesses are likewise addressed as father and mother, and because monks and nuns, and even freemasons and members of English craft unions, in solemn session assembled, are addressed as brother and sister. In short, McLennan's defence was miserably weak.

One point, however, remained on which he had not been challenged. The antithesis between exogamous and endogamous "tribes," upon which his whole system rested, was not only unshaken, but was even generally accepted as the pivot of the entire history of the family. It was admitted that McLennan's attempt to explain this antithesis was inadequate and contradicted the very facts he himself had enumerat-

ed. But the antithesis itself, the existence of two mutually exclusive types of separate and independent tribes, one of which took its wives from within the tribe, while this was absolutely forbidden to the other—this passed as incontrovertible gospel truth. Compare, for example, Giraud-Teulon's *Origin of the Family* (1874)[1] and even Lubbock's *Origin of Civilization* (Fourth Edition, 1882).

This is the point at which Morgan's chief work enters: *Ancient Society* (1877), the book upon which the present work is based. What Morgan only dimly surmised in 1871 is here developed with full comprehension. Endogamy and exogamy constitute no antithesis; up to the present no exogamous "tribes" have been brought to light anywhere. But at the time when group marriage still prevailed—and in all probability it existed everywhere at one time or other—the tribe consisted of a number of groups related by blood on the mother's side, gentes, within which marriage was strictly prohibited, so that although the men of a gens could, and as a rule did, take their wives from within their tribe, they had, however, to take them from outside their gens. Thus, while the gens itself was strictly exogamous, the tribe, embracing all the gentes, was as strictly endo-

[1] A. Giraud-Teulon, *Les origines de la famille*, Genève, Paris 1874.—*Ed.*

gamous. With this, the last remnants of McLennan's artificial structure definitely collapsed.

Morgan, however, did not rest content with this. The gens of the American Indians served him further as a means of making the second decisive advance in the field of investigation he had entered upon. He discovered that the gens, organized according to mother right, was the original form out of which developed the later gens, organized according to father right, the gens as we find it among the civilized peoples of antiquity. The Greek and Roman gens, an enigma to all previous historians, was now explained by the Indian gens, and thus a new basis was found for the whole history of primitive society.

The rediscovery of the original mother-right gens as the stage preliminary to the father-right gens of the civilized peoples has the same significance for the history of primitive society as Darwin's theory of evolution has for biology, and Marx's theory of surplus value for political economy. It enabled Morgan to outline for the first time a history of the family, wherein at least the classical stages of development are, on the whole, provisionally established, as far as the material at present available permits. Clearly, this opens a new era in the treatment of the history of primitive society. The mother-

right gens has become the pivot around which this entire science turns; since its discovery we know in which direction to conduct our researches, what to investigate and how to classify the results of our investigations. As a consequence, progress in this field is now much more rapid than before Morgan's book appeared.

Morgan's discoveries are now generally recognized, or rather appropriated, by prehistorians in England, too. But scarcely one of them will openly acknowledge that it is to Morgan that we owe this revolution in outlook. In England his book is hushed up as far as possible, and Morgan himself is dismissed with condescending praise for his *previous* work; the details of his exposition are eagerly picked on for criticism, while an obstinate silence reigns with regard to his really great discoveries. The original edition of *Ancient Society* is now out of print; in America there is no profitable market for books of this sort; in England, it would seem, the book was systematically suppressed, and the only edition of this epoch-making work still available in the book trade is—the German translation.

Whence this reserve, which it is difficult not to regard as a conspiracy of silence, particularly in view of the host of quotations given merely for politeness' sake and of other evidences of camaraderie, in which the writings of our

recognized prehistorians abound? Is it perhaps because Morgan is an American, and it is very hard for English prehistorians, despite their highly commendable diligence in the collection of material, to have to depend for the general viewpoint which determines the arrangement and grouping of this material, in short, for their ideas, upon two talented foreigners—Bachofen and Morgan? A German might be tolerated, but an American? Every Englishman waxes patriotic when faced with an American, amusing examples of which I have come across while I was in the United States. To this must be added that McLennan was, so to speak, the officially proclaimed founder and leader of the English prehistoric school; that it was, in a sense, good form among prehistorians to refer only with the greatest reverence to his artificially constructed historical theory leading from infanticide, through polyandry and marriage by abduction, to the mother-right family; that the slightest doubt cast upon the existence of mutually wholly exclusive exogamous and endogamous "tribes" was regarded as rank heresy; so that Morgan, in thus resolving all these hallowed dogmas into thin air, was guilty of a kind of sacrilege. Moreover, he resolved them in such a way that he had only to state his case for it to become obvious at once; and the McLennan worshippers, hitherto confusedly staggering about

between exogamy and endogamy, were almost driven to beating their foreheads and exclaiming: How could we have been so stupid as not to have discovered all this for ourselves long ago!

And, as though this were not crime enough to prohibit the official school from treating him with anything else but cold indifference, Morgan filled the cup to overflowing not only by criticizing civilization, the society of commodity production, the basic form of our present-day society, after a fashion reminiscent of Fourier, but also by speaking of a future transformation of society in words which Karl Marx might have used. He received his deserts, therefore, when McLennan indignantly charged him with having "a profound antipathy to the historical method," and when Professor Giraud-Teulon endorsed this view in Geneva as late as 1884. Was it not this same M. Giraud-Teulon, who, in 1874 (*Origines de la famille*), was still wandering helplessly in the maze of McLennan's exogamy, from which it took Morgan to liberate him?

It is not necessary for me to deal here with the other advances which the history of primitive society owes to Morgan; a reference to what is needed will be found in the course of this book. During the fourteen years that have elapsed since the publication of his chief work our material relating to the history of primitive human societies has been greatly augmented. In

addition to anthropologists, travellers and professional prehistorians, students of comparative law have taken the field and have contributed new material and new points of view. As a consequence, some of Morgan's hypotheses pertaining to particular points have been shaken, or even become untenable. But nowhere have the newly-collected data led to the supplanting of his principal conceptions by others. In its main features, the order he introduced into the study of the history of primitive society holds good to this day. We can even say that it is finding increasingly general acceptance in the same measure as his authorship of this great advance is being concealed.[1]

Frederick Engels

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[1] On my return voyage from New York in September 1888 I met an ex-Congressman for Rochester who had known Lewis Morgan. Unfortunately, he could tell me little about him. Morgan, he said, had lived in Rochester as a private citizen occupying himself only with his studies. His brother was a colonel in the army, and held a post in the War Department at Washington. Through the good offices of this brother, he had succeeded in interesting the government in his researches and in publishing a number of his works at public cost. This ex-Congressman said that he himself had also assisted in this while in Congress. [*Note by Engels.*]

THE ORIGIN
OF THE FAMILY, PRIVATE PROPERTY
AND THE STATE

I

PREHISTORIC STAGES OF CULTURE

Morgan was the first person with expert knowledge to attempt to introduce a definite order into the prehistory of man; unless important additional material necessitates alterations, his classification may be expected to remain in force.

Of the three main epochs, savagery, barbarism and civilization, he is naturally concerned only with the first two, and with the transition to the third. He subdivides each of these two epochs into a lower, middle and upper stage, according to the progress made in the production of the means of subsistence; for, as he says: "Upon their skill in this direction, the whole question of human supremacy on the earth depended. Mankind are the only beings who may be said to have gained an absolute control over the production of food. The great epochs of human progress have been identified, more or less directly, with the enlargement of the sources of subsistence." The evolution of

the family proceeds concurrently, but does not offer such conclusive criteria for the delimitation of the periods.

1. SAVAGERY

1. *Lower Stage.* Infancy of the human race. Man still lived in his original habitat, tropical or subtropical forests, dwelling, at least partially, in trees; this alone explains his continued survival in face of the large beasts of prey. Fruits, nuts and roots served him as food; the formation of articulate speech was the main achievement of this period. None of the peoples that became known during the historical period were any longer in this primeval state. Although this period may have lasted for many thousands of years, we have no direct evidence of its existence; but once we admit the descent of man from the animal kingdom, the acceptance of this transitional stage is inevitable.

2. *Middle Stage.* Begins with the utilization of fish (under which head we also include crabs, shellfish and other aquatic animals) for food and with the employment of fire. These two are complementary, since fish food becomes fully available only by the use of fire. This new food, however, made man independent of climate and locality. By following the rivers and coasts man was able, even in his savage state,

to spread over the greater part of the earth's surface. The crude, unpolished stone implements of the earlier Stone Age—the so-called paleolithic—which belong wholly, or predominantly, to this period, and are scattered over all the continents, are evidence of these migrations. The newly-occupied territories as well as the unceasingly active urge for discovery, linked with their command of the art of producing fire by friction, made available new food stuffs, such as farinaceous roots and tubers, baked in hot ashes or in baking pits (ground ovens), and game, which was occasionally added to the diet after the invention of the first weapons—the club and the spear. Exclusively hunting peoples, such as figure in books, that is, peoples subsisting *solely* by hunting, have never existed, for the fruits of the chase are much too precarious to make that possible. As a consequence of the continued uncertainty with regard to sources of food stuffs, cannibalism appears to have arisen at this stage, and continued for a long time. The Australians and many Polynesians are to this day in this middle stage of savagery.

3. *Upper Stage.* Begins with the invention of the bow and arrow, whereby wild game became a regular item of food, and hunting one of the normal occupations. Bow, string and arrow constitute a very composite instrument, the inven-

tion of which presupposes long accumulated experience and sharpened mental powers, and, consequently, a simultaneous acquaintance with a host of other inventions. If we compare the peoples which, although familiar with the bow and arrow, are not yet acquainted with the art of pottery (from which point Morgan dates the transition to barbarism), we find, even at this early stage, beginnings of settlement in villages, a certain mastery of the production of means of subsistence: wooden vessels and utensils, finger weaving (without looms) with filaments of bast, baskets woven from bast or rushes, and polished (neolithic) stone implements. For the most part, also, fire and the stone axe have already provided the dug-out canoe and, in places, timber and planks for house-building. All these advances are to be found, for example, among the Indians of North-Western America, who, although familiar with the bow and arrow, know nothing of pottery. The bow and arrow was for savagery what the iron sword was for barbarism and firearms for civilization, namely, the decisive weapon.

2. BARBARISM

1. *Lower Stage.* Dates from the introduction of pottery. This latter had its origin, demonstrably in many cases and probably everywhere,

in the coating of baskets or wooden vessels with clay in order to render them fire-proof; whereby it was soon discovered that moulded clay also served the purpose without the inner vessel.

Up to this point we could regard the course of evolution as being generally valid for a definite period among all peoples, irrespective of locality. With the advent of barbarism, however, we reach a stage where the difference in natural endowment of the two great continents begins to assert itself. The characteristic feature of the period of barbarism is the domestication and breeding of animals and the cultivation of plants. Now the Eastern Continent, the so-called Old World, contained almost all the animals suitable for domestication and all the cultivable cereals with one exception; while the Western, America, contained only one domesticable mammal, the llama, and this only in a part of the South; and only one cereal fit for cultivation, but that the best, maize. The effect of these different natural conditions was that from now on the population of each hemisphere went its own special way, and the landmarks on the border lines between the various stages are different in each of the two cases.

2. *Middle Stage*. Begins, in the East, with the domestication of animals; in the West, with the

cultivation of edible plants by means of irrigation, and with the use of adobes (bricks dried in the sun) and stone for buildings.

We shall commence with the West, because there this stage was nowhere outgrown until the European Conquest.

At the time of their discovery the Indians in the lower stage of barbarism (to which all those found east of the Mississippi belonged) already engaged to a certain extent in the garden cultivation of maize and perhaps also of pumpkins, melons and other garden produce, which supplied a very substantial part of their food. They lived in wooden houses, in villages surrounded by stockades. The tribes of the North-West, particularly those living in the region of the Columbia River, still remained in the upper stage of savagery and were familiar neither with pottery nor with any kind of plant cultivation. On the other hand, the so-called Pueblo Indians of New Mexico, the Mexicans, Central Americans and Peruvians were in the middle stage of barbarism at the time of the Conquest. They lived in fort-like houses built of adobe or stone; they cultivated, in artificially irrigated gardens, maize and other edible plants, varying according to location and climate, which constituted their chief source of food, and they had even domesticated a few animals—the Mexicans the turkey and other birds, and the Peruvians the llama.

They were furthermore acquainted with the working up of metals—except iron, which was the reason why they could not yet dispense with the use of stone weapons and stone implements. The Spanish Conquest cut short all further independent development.

In the East, the middle stage of barbarism commenced with the domestication of milk and meat-yielding animals, while plant cultivation appears to have remained unknown until very late in this period. The domestication and breeding of cattle and the formation of large herds seem to have been the cause of the differentiation of the Aryans and the Semites from the remaining mass of barbarians. Names of cattle are still common to the European and the Asiatic Aryans, the names of cultivable plants hardly at all.

In suitable places the formation of herds led to pastoral life; among the Semites, on the grassy plains of the Euphrates and the Tigris; among the Aryans, on those of India, of the Oxus and the Jaxartes,[1] of the Don and the Dnieper. The domestication of animals must have been first accomplished on the borders of such pasture lands. It thus appears to later generations that the pastoral peoples originated

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[1] *Oxus*: Now Amu Darya; *Jaxartes*: Now Syr Darya.—*Ed.*

in areas which, far from being the cradle of mankind, were, on the contrary, almost uninhabitable for their savage forebears and even for people in the lower stage of barbarism. Conversely, once these barbarians of the middle stage had taken to pastoral life, it would never have occurred to them to leave the grassy watered plains of their own accord and return to the forest regions which had been the home of their ancestors. Even when the Aryans and Semites were driven farther north and west, they found it impossible to settle in the forest regions of Western Asia and Europe until they had been enabled, by the cultivation of cereals, to feed their cattle on this less favourable soil, and particularly to pass the winter there. It is more than probable that the cultivation of cereals was introduced here primarily because of the necessity of providing fodder for cattle and only later became important for human nourishment.

The plentiful meat and milk diet among the Aryans and the Semites, and particularly the beneficial effects of these foods on the development of children, may, perhaps, explain the superior development of these two races. In fact, the Pueblo Indians of New Mexico, who are reduced to an almost exclusively vegetarian diet, have a smaller brain than the more meat- and fish-eating Indians in the lower stage of barbar-

ism. At any rate, cannibalism gradually disappears at this stage, and survives only as a religious rite or, what is almost identical in this instance, sorcery.

3. *Upper Stage*. Begins with the smelting of iron ore and passes into civilization through the invention of alphabetic writing and its utilization for literary records. At this stage, which, as we have already noted, was traversed independently only in the eastern hemisphere, more progress was made in production than in all the previous stages put together. To it belong the Greeks of the Heroic Age, the Italian tribes shortly before the foundation of Rome, the Germans of Tacitus and the Normans of the days of the Vikings.

Above all, we here encounter for the first time the iron ploughshare drawn by cattle, making possible land cultivation on a wide scale—*tillage*—and, in the conditions then prevailing, a practically unlimited increase in the means of subsistence; in connection with this we find also the clearing of forests and their transformation into arable and pasture land—which, again, would have been impossible on a wide scale without the iron axe and spade. But with this there also came a rapid increase of the population and dense populations in small areas. Prior to tillage only very exceptional circumstances could have brought together half a million peo-

ple under one central leadership; in all probability this never happened.

In the poems of Homer, particularly the *Iliad*, we find the upper stage of barbarism at its zenith. Improved iron tools, the bellows, the handmill, the potter's wheel, the making of oil and wine, the working up of metals developing into an art, waggons and war chariots, shipbuilding with planks and beams, the beginnings of architecture as an art, walled towns with towers and battlements, the Homeric epic and the entire mythology—these are the chief heritages carried over by the Greeks in their transition from barbarism to civilization. If we compare with this Caesar's and even Tacitus' descriptions of the Germans, who were on the threshold of that stage of culture from which the Homeric Greeks were preparing to advance to a higher one, we will see how rich was the development of production in the upper stage of barbarism.

The picture of the evolution of mankind through savagery and barbarism to the beginnings of civilization that I have here sketched after Morgan is already rich enough in new and, what is more, incontestable features, incontestable because they are taken straight from production; nevertheless it will appear faint and meagre compared with the picture which will unfold itself at the end of our journey. Only then will it be possible to give a full view of the

transition from barbarism to civilization and the striking contrast between the two. For the time being we can generalize Morgan's periodization as follows: Savagery—the period in which the appropriation of natural products, ready for use, predominated; the things produced by man were, in the main, instruments that facilitated this appropriation. Barbarism—the period in which knowledge of cattle breeding and land cultivation was acquired, in which methods of increasing the productivity of nature through human activity were learnt. Civilization—the period in which knowledge of the further working up of natural products, of industry proper, and of art was acquired.

II

THE FAMILY

Morgan, who spent the greater part of his life among the Iroquois—who still inhabit the State of New York—and was adopted by one of their tribes (the Senecas), found a system of consanguinity prevailing among them that stood in contradiction to their actual family relationships. Marriage between single pairs, with easy dissolution by either side, which Morgan termed the "pairing family," was the rule among them. The offspring of such a married couple

was known and recognized by all, and no doubt could arise as to the person to whom the designation father, mother, son, daughter, brother, sister should be applied. But the actual use of the terms was to the contrary. The Iroquois calls not only his own children sons and daughters, but those of his brothers also; and they call him father. On the other hand, he calls his sisters' children his nephews and nieces; and they call him uncle. Inversely, the Iroquois woman calls her sisters' children her sons and daughters along with her own; and they call her mother. On the other hand, she addresses her brothers' children as her nephews and nieces; and she is called their aunt. In the same way, the children of brothers call one another brothers and sisters, and so do the children of sisters. Contrariwise, the children of a woman and those of her brother call each other cousins. And these are no mere empty terms, but expressions of ideas actually in force concerning nearness and collateralness, equality and inequality of blood relationship; and these ideas serve as the foundation of a completely worked-out system of consanguinity, capable of expressing some hundreds of different relationships of a single individual. Furthermore, this system not only exists in full force among all American Indians (no exceptions have as yet been discovered), but also prevails almost un-

changed among the aborigines of India, among the Dravidian tribes in the Deccan and the Gaura tribes in Hindustan. The terms of kinship current among the Tamils of South India and the Seneca Iroquois in the State of New York are identical even at the present day for more than two hundred different relationships. And among these tribes in India, also, as among all the American Indians, the relationships arising out of the prevailing form of the family stand in contradiction to the system of consanguinity.

How is this to be explained? In view of the decisive role which kinship plays in the social order of all peoples in the stage of savagery and barbarism, the significance of so widespread a system cannot be explained away by mere phrases. A system which is generally prevalent throughout America, which likewise exists in Asia among peoples of an entirely different race, and more or less modified forms of which abound everywhere throughout Africa and Australia, requires to be historically explained; it cannot be explained away, as McLennan, for example, attempted to do. The terms father, child, brother and sister are no mere honorific titles, but carry with them absolutely definite and very serious mutual obligations, the totality of which forms an essential part of the social constitution of these peoples. And

the explanation was found. In the Sandwich Islands (Hawaii) there existed as late as the first half of the present century a form of the family which yielded just such fathers and mothers, brothers and sisters, sons and daughters, uncles and aunts, nephews and nieces as are demanded by the American and ancient Indian system of consanguinity. But strangely enough, the system of consanguinity prevalent in Hawaii again clashed with the actual form of the family existing there. There, all first cousins, without exception, are regarded as brothers and sisters and as the common children, not only of their mother and her sisters, or of their father and his brothers, but of all the brothers and sisters of their parents without distinction. Thus, if the American system of consanguinity presupposes a more primitive form of the family, no longer existing in America itself, but actually still found in Hawaii, the Hawaiian system of consanguinity, on the other hand, points to an even more aboriginal form of the family, which, although not provable as still extant anywhere, *must* nevertheless have existed, for otherwise the system of consanguinity corresponding to it could not have arisen. "The family," says Morgan, "represents an active principle. It is never stationary, but advances from a lower to a higher form as society advances from a lower to a higher condition. Systems

of consanguinity, on the contrary, are passive, recording the progress made by the family at long intervals apart, and only changing radically when the family has radically changed." "And," adds Marx, "the same applies to political, juridical, religious and philosophical systems generally." While the family continues to live, the system of consanguinity becomes ossified, and while this latter continues to exist in the customary form, the family outgrows it. However, just as Cuvier could with certainty conclude, from the pouch bones of an animal skeleton found near Paris, that this belonged to a marsupial and that now extinct marsupials had once lived there, so we, with the same certainty, can conclude, from a historically transmitted system of consanguinity, that an extinct form of the family corresponding to it had once existed.

The systems of consanguinity and forms of the family just referred to differ from those which prevail today in that each child has several fathers and mothers. According to the American system of consanguinity, to which the Hawaiian family corresponds, brother and sister cannot be the father and the mother of one and the same child; the Hawaiian system of consanguinity, on the contrary, presupposes a family in which this was the rule. We are confronted with a series of forms of the family

which directly contradict the forms hitherto generally accepted as being the only ones prevailing. The traditional conception knows monogamy only, along with polygamy on the part of individual men, and even, perhaps, polyandry on the part of individual women, and hushes up the fact—as is the way with moralizing philistines—that in practice these bounds imposed by official society are silently but unblushingly transgressed. The study of the history of primitive society, on the contrary, reveals to us conditions in which men live in polygamy and their wives simultaneously in polyandry, and the common children are, therefore, regarded as being common to them all; in their turn, these conditions undergo a whole series of modifications until they are ultimately dissolved in monogamy. These modifications are of such a character that the circle of people embraced by the tie of common marriage—very wide originally—becomes narrower and narrower, until, finally, only the single couple is left, which predominates today.

In thus constructing retrospectively the history of the family, Morgan, in agreement with the majority of his colleagues, arrived at a primitive stage at which promiscuous intercourse prevailed within a tribe, so that every woman belonged equally to every man and, similarly, every man to every woman. There

had been talk about such a primitive condition ever since the last century, but only in a most general way; Bachofen was the first—and this was one of his great services—to take this condition seriously and to search for traces of it in historical and religious traditions. We know today that the traces he discovered do not at all lead back to a social stage of sexual promiscuity, but to a much later form, group marriage. That primitive social stage, if it really existed, belongs to so remote an epoch that we can scarcely expect to find *direct* evidence of its former existence in social fossils, among backward savages. It is precisely to Bachofen's credit that he placed this question in the forefront of investigation.[1]

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[1] How little Bachofen understood what he had discovered, or rather guessed, is proved by his description of this primitive condition as *hetaerism*. This word was used by the Greeks, when they introduced it, to describe intercourse between unmarried men, or those living in monogamy, and unmarried women; it always presupposes the existence of a definite form of marriage outside of which this intercourse takes place, and includes prostitution, at least as an already existing possibility. The word was never used in any other sense and I use it in this sense with Morgan. Bachofen's highly important discoveries are everywhere incredibly mystified by his fantastic belief that the historically arisen relations between man and woman sprang from men's religious ideas of the given period and not from their actual conditions of life. [*Note by Engels.*]

It has become the fashion of late to deny the existence of this initial stage in the sexual life of mankind. The aim is to spare humanity this "shame." Apart from pointing to the absence of any direct evidence, reference is particularly made to the example of the rest of the animal world; wherefrom Letourneau (*Evolution of Marriage and Family*, 1888[1]) collected numerous facts purporting to show that here, too, complete sexual promiscuity belongs to a lower stage. The only conclusion I can draw from all these facts, however, is that they prove absolutely nothing as far as man and his primeval conditions of life are concerned. Mating for lengthy periods of time among vertebrate animals can be sufficiently explained on physiological grounds; for example, among birds, the need of help by the female during brooding time; the examples of faithful monogamy among birds prove nothing whatsoever for human beings, since these are not descended from birds. And if strict monogamy is to be regarded as the acme of all virtue, then the palm must be given to the tapeworm, which possesses a complete male and female sexual apparatus in every one of its 50 to 200 proglottides or segments of the body, and passes the whole of its life in cohabiting with itself in every one of

[1] Ch. Letourneau, *L'Evolution du Mariage et de la Famille*, Paris 1888.—*Ed.*

these segments. If, however, we limit ourselves to mammals, we find all forms of sexual life among them: promiscuity, suggestions of group marriage, polygamy and monogamy. Only polyandry is absent. This could only be achieved by humans. Even our nearest relatives, the *quadrumana*, exhibit the utmost possible diversity in the grouping of male and female; and, if we want to draw the line closer and consider only the four anthropoid apes, Letourneau can tell us only that they are sometimes monogamous and sometimes polygamous, while Saussure, quoted by Giraud-Teulon, asserts that they are monogamous. The recent assertions of Westermarck in his *The History of Human Marriage* (London 1891) regarding monogamy among anthropoid apes are also no proof by far. In short, the reports are of such a character that the honest Letourneau admits: "For the rest, there exists among the mammals absolutely no strict relation between the degree of intellectual development and the form of sexual union." And Espinas (*Animal Societies*, 1877[1]) says point-blank: "The horde is the highest social group observable among animals. It *seems* to be composed of families, but right from the outset *the family and the horde stand in antagonism to each other*, they develop in inverse ratio."

[1] A. Espinas, *Des Sociétés Animales. Étude de Psychologie Comparée*, Paris 1877, pp. 303-04.—*Ed.*

As is evident from the above, we know next to nothing conclusively about the family and other social groupings of the anthropoid apes. The reports directly contradict one another. Nor is this to be wondered at. How contradictory, how much in need of critical examination and sifting are the reports in our possession concerning even savage human tribes! But ape societies are still more difficult to observe than human societies. We must, therefore, for the present reject every conclusion drawn from such absolutely unreliable reports.

The passage from Espinas, quoted above, however, provides us with a better clue. Among the higher animals the horde and the family are not complementary, but antagonistic to each other. Espinas describes very neatly how jealousy amongst the males at mating time loosens, or temporarily dissolves, every gregarious horde. "Where the family is closely bound together hordes are rare exceptions. On the other hand, the horde arises almost naturally where free sexual intercourse or polygamy is the rule.... For a horde to arise the family ties must have been loosened and the individual freed again. That is why we so rarely meet with organized flocks among birds.... Among mammals, on the other hand, more or less organized societies are to be found, precisely because the individual in this case is not merged in the family....

Thus, at its inception, the collective feeling [*conscience collective*] of the horde can have no greater enemy than the collective feeling of the family. Let us not hesitate to say: if a higher social form than the family has evolved, it can have been due solely to the fact that it incorporated within itself families which had undergone a fundamental transformation; which does not exclude the possibility that, precisely for this reason, these families were later able to reconstitute themselves under infinitely more favourable circumstances." (Espinas, *op. cit.* [Ch. I], quoted by Giraud-Teulon in his *Origin of Marriage and Family*, 1884,[1] pp. 518-20.)

From this it becomes apparent that animal societies have, to be sure, a certain value in drawing conclusions regarding human societies —but only in a negative sense. As far as we have ascertained, the higher vertebrates know only two forms of the family: polygamy or the single pair. In both cases only *one* adult male, only *one* husband is permissible. The jealousy of the male, representing both tie and limits of the family, brings the animal family into conflict with the horde. The horde, the higher social form, is rendered impossible here, loosened there, or dissolved altogether during the mating season; at best, its continued development is

[1] A. Giraud-Teulon, *Les origines du mariage et de la famille*, Genève 1884.—*Ed.*

hindered by the jealousy of the male. This alone suffices to prove that the animal family and primitive human society are incompatible things; that primitive man, working his way up out of the animal stage, either knew no family whatsoever, or at the most knew a family that is non-existent among animals. So weaponless an animal as the creature that was becoming man could survive in small numbers also in isolation, with the single pair as the highest form of gregariousness, as is ascribed by Westermarck to the gorilla and chimpanzee on the basis of hunters' reports. For evolution out of the animal stage, for the accomplishment of the greatest advance known to nature, an additional element was needed: the replacement of the individual's inadequate power of defence by the united strength and joint effort of the horde. The transition to the human stage out of conditions such as those under which the anthropoid apes live today would be absolutely inexplicable. These apes rather give the impression of being stray sidelines gradually approaching extinction, and, at any rate, in process of decline. This alone is sufficient reason for rejecting all conclusions that are based on parallels drawn between their family forms and those of primitive man. Mutual toleration among the adult males, freedom from jealousy, was, however, the first condition for the build-

ing of those large and enduring groups in the midst of which alone the transition from animal to man could be achieved. And indeed, what do we find as the oldest, most primitive form of the family, of which undeniable evidence can be found in history, and which even today can be studied here and there? Group marriage, the form in which whole groups of men and whole groups of women belong to one another, and which leaves but little scope for jealousy. And further, we find at a later stage of development the exceptional form of polyandry, which still more militates against all feeling of jealousy, and is, therefore, unknown to animals. Since, however, the forms of group marriage known to us are accompanied by such peculiarly complicated conditions that they necessarily point to earlier, simpler forms of sexual relations and thus, in the last analysis, to a period of promiscuous intercourse corresponding to the period of transition from animality to humanity, references to the forms of marriage among animals bring us back again to the very point from which they were supposed to have led us once and for all.

What, then, does promiscuous sexual intercourse mean? That the restrictions in force at present or in earlier times did not exist. We have already witnessed the collapse of the barrier of jealousy. If anything is certain, it is that

jealousy is an emotion of comparatively late development. The same applies to the conception of incest. Not only did brother and sister live as man and wife originally, but sexual relations between parents and children are permitted among many peoples to this day. Bancroft (*The Native Races of the Pacific States of North America*, 1875, vol. 1[1]) testifies to the existence of this among the Kaviats of the Bering Strait, the Kadiaks near Alaska and the Tinnehs in the interior of British North America. Letourneau has collected reports of the same fact among the Chippewa Indians, the Cucus in Chile, the Caribbeans and the Karens of Indo-China, not to mention the accounts of the ancient Greeks and Romans concerning the Parthians, Persians, Scythians, Huns, etc. Prior to the invention of incest (and it *is* an invention, and one of the utmost value), sexual intercourse between parents and children could be no more disgusting than between other persons belonging to different generations—such as indeed occurs today even in the most philistine countries without exciting great horror; in fact, even old "maids" of over sixty, if they are rich enough, occasionally marry young men of about thirty. However, if we eliminate from the most primitive forms of the family known to us the

[1] H. H. Bancroft, *op. cit.*, vols. I-V. New York 1875-76.—*Ed.*

conceptions of incest that are associated with them—conceptions totally different from our own and often in direct contradiction to them—we arrive at a form of sexual intercourse which can only be described as promiscuous—promiscuous in so far as the restrictions later established by custom did not yet exist. It by no means necessarily follows from this that a higgledy-piggledy promiscuity was in daily practice. Separate pairings for a limited time are by no means excluded; in fact, even in group marriage they now constitute the majority of cases. And if Westermarck, the latest to deny this original state, defines as marriage every case where the two sexes remain mated until the birth of offspring, then it may be said that this kind of marriage could very well occur under the conditions of promiscuous sexual intercourse, without in any way contradicting promiscuity, that is, the absence of barriers to sexual intercourse set up by custom. Westermarck, to be sure, starts out from the viewpoint that "promiscuity involves a suppression of individual inclinations," so that "prostitution is its most genuine form." To me it rather seems that all understanding of primitive conditions remains impossible so long as we regard them through brothel spectacles. We shall return to this point again when dealing with group marriage.

According to Morgan, there developed out of this original condition of promiscuous intercourse, probably at a very early stage:

1. The *Consanguine* family, the first stage of the family. Here the marriage groups are ranged according to generations: all the grandfathers and grandmothers within the limits of the family are all mutual husbands and wives, the same being the case with their children, the fathers and mothers, whose children will again form a third circle of common mates, their children—the great-grandchildren of the first—in turn, forming a fourth circle. Thus, in this form of the family, only ancestors and descendants, parents and children, are excluded from the rights and obligations (as we would say) of marriage with one another. Brothers and sisters, male and female cousins of the first, second and more remote degrees are all mutually brothers and sisters, and *precisely because of this* are all mutually husbands and wives. At this stage the relation of brother and sister includes the exercise of sexual intercourse with one another as a matter of course.[1] In its typical

[1] Marx, in a letter written in the spring of 1882, expresses himself in the strongest possible terms about the utter falsification of primeval times appearing in Wagner's *Nibelung* text. "Whoever heard of a brother embracing his sister as his bride?" To these "lewd gods" of Wagner's, who in quite modern style spiced their

form, such a family would consist of the descendants of a pair, among whom, again, the descendants of each degree are all brothers and

love affairs with a little incest, Marx gave the answer: "In primeval times the sister *was* the wife, *and that was moral.*" [*Note by Engels.*]

A French friend and admirer of Wagner does not agree with this note, and points out that already in the *Ögisdrecka*, the earlier *Edda*, which Wagner took as his model, Loki reproaches Freia thus: "Thine own brother hast thou embraced before the gods." Marriage between brother and sister, he claimed, was proscribed already at that time. The *Ögisdrecka* is the expression of a time when belief in the ancient myths was completely shattered; it is a truly Lucianian satire on the gods. If Loki, as Mephistopheles, thus reproaches Freia, it argues rather against Wagner. A few verses later, Loki also says to Njord: "You begat [such] a son by your sister" [*vidh systur thinni gaztu slikan mög*]. Now, Njord is not an Asa but a Vana, and says, in the Ynglinga saga, that marriages between brothers and sisters are customary in Vanaland, which is not the case amongst the Asas. This would seem to indicate that the Vanas were older gods than the Asas. At any rate, Njord lived among the Asas as their equal, and the *Ögisdrecka* is thus rather a proof that intermarriage between brothers and sisters, at least among the gods, did not yet arouse any revulsion at the time the Norwegian Sagas of the gods originated. If one wants to excuse Wagner, one would do better to cite Goethe instead of the *Edda*, for Goethe, in his Ballad of God and the Bayadere, makes a similar mistake regarding the religious surrender of women, which he likens far too closely to modern prostitution. [*Note by Engels to the fourth edition.*]

sisters, and, precisely for that reason, all mutual husbands and wives.

The consanguine family has become extinct. Even the rawest peoples known to history furnish no verifiable examples of this form of the family. The conclusion that it *must* have existed, however, is forced upon us by the Hawaiian system of consanguinity, still prevalent throughout Polynesia, which expresses degrees of consanguinity such as can arise only under such a form of the family; and we are forced to the same conclusion by the entire further development of the family, which postulates this form as a necessary preliminary stage.

2. The *Punaluan* family. If the first advance in organization was the exclusion of parents and children from mutual sexual relations, the second was the exclusion of brothers and sisters. In view of the greater similarity in the ages of the participants, this step forward was infinitely more important, but also more difficult, than the first. It was accomplished gradually, commencing most probably with the exclusion of natural brothers and sisters (that is, on the maternal side) from sexual relations, at first in isolated cases, then gradually becoming the rulė (in Hawaii exceptions to this rule still existed in the present century), and ending with the prohibition of marriage even between collateral brothers and sisters, or, as we would call

them, between first, second and third cousins. According to Morgan it "affords a good illustration of the operation of the principle of natural selection." It is beyond question that tribes among whom inbreeding was restricted by this advance were bound to develop more rapidly and fully than those among whom intermarriage between brothers and sisters remained both rule and duty. And how powerfully the effect of this advance was felt is proved by the institution of the *gens*, which arose directly from it and shot far beyond the mark. The gens was the foundation of the social order of most, if not all, barbarian peoples of the world, and in Greece and Rome we pass directly from it into civilization.

Every primeval family had to split up after a couple of generations, at the latest. The original communistic common household, which prevailed without exception until the late middle stage of barbarism, determined a certain maximum size of the family community, varying according to circumstances but fairly definite in each locality. As soon as the conception of the impropriety of sexual intercourse between the children of a common mother arose, it was bound to have an effect upon such divisions of old and the foundation of new household communities [*Hausgemeinden*] (which, however, did not necessarily coincide with the family

group). One or more groups of sisters became the nucleus of one household, their natural brothers the nucleus of the other. In this or some similar way the form of the family which Morgan calls the punaluan family developed out of the consanguine family. According to the Hawaiian custom, a number of sisters, either natural or collateral (that is, first, second or more distant cousins), were the common wives of their common husbands, from which relation, however, their brothers were excluded. These husbands no longer addressed one another as brothers—which indeed they no longer had to be—but as punalua, that is, intimate companion, partner, as it were. In the same way, a group of natural or collateral brothers held in common marriage a number of women, who were *not* their sisters, and these women addressed one another as punalua. This is the classical form of family structure [*Familienformation*] which later admitted of a series of variations, and the essential characteristic feature of which was: mutual community of husbands and wives within a definite family circle, from which, however, the brothers of the wives—first the natural brothers, and later the collateral brothers also—were excluded, the same applying conversely to the sisters of the husbands.

This form of the family now furnishes us with the most complete accuracy the degrees of

kinship as expressed in the American system. The children of my mother's sisters still remain her children, the children of my father's brothers being likewise his children, and all of them are my brothers and sisters; but the children of my mother's brothers are now her nephews and nieces, the children of my father's sisters are his nephews and nieces, and they all are my cousins. For while my mother's sisters' husbands still remain her husbands, and my father's brothers' wives likewise still remain his wives—by right, if not always in actual fact—the social proscription of sexual intercourse between brothers and sisters now divided the first cousins, hitherto indiscriminately regarded as brothers and sisters, into two classes: some remain (collateral) brothers and sisters as before; the others, the children of brothers on the one hand and of sisters on the other, *can* no longer be brothers and sisters, can no longer have common parents, whether father, mother, or both, and therefore the class of nephews and nieces, male and female cousins—which would have been senseless in the previous family system—becomes necessary for the first time. The American system of consanguinity, which appears to be utterly absurd in every family form based on some kind of individual marriage, is rationally explained and naturally justified, down to its minutest details, by the punaluan

family. To the extent that this system of consanguinity was prevalent, to exactly the same extent, at least, must the punaluan family, or a form similar to it, have existed.

This form of the family proved actually to have existed in Hawaii, would probably have been demonstrable throughout Polynesia, had the pious missionaries—like the quondam Spanish monks in America—been able to perceive in these unchristian relations something more than mere "abomination."[1] When Caesar tells us of the Britons, who at that time were in the middle stage of barbarism, that "by tens and by twelves they possessed their wives in common; and it was mostly brothers with brothers and parents with their children," this is best explained as group marriage. Barbarian mothers have no ten or twelve sons old enough to be able to keep wives in common, but the American system of consanguinity, which corresponds to the punaluan family, provides many

[1] There can no longer be any doubt that the traces of indiscriminate sexual intercourse, his so-called "*Sumpfzeugung*" which Bachofen believes he has discovered, lead back to group marriage. "If Bachofen regards these punaluan marriages as 'lawless,' a man of that period would likewise regard most present-day marriages between near and distant cousins on the father's or the mother's side as incestuous, that is, as marriages between consanguineous brothers and sisters." (Marx.)—[*Note by Engels.*]

brothers, since all a man's near and distant cousins are his brothers. The expression "parents with their children" may conceivably be a misunderstanding on Caesar's part; this system, however, does not absolutely exclude the presence of father and son, or mother and daughter, in the same marriage group, though it does exclude the presence of father and daughter, or mother and son. In the same way, this or a similar form of group marriage provides the simplest explanation of the reports of Herodotus and other ancient writers, concerning community of wives among savage and barbarian peoples. This also applies to the description of the Tikurs of Oudh (north of the Ganges) given by Watson and Kaye in their book *The People of India*[1]: "They live together (that is, sexually) almost indiscriminately in large communities, and when two people are regarded as married, the tie is but nominal."

In by far the majority of cases the institution of the *gens* seems to have originated directly from the punaluan family. To be sure, the Australian class system also offers a starting point for it[2]: the Australians have gentes; but they

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[1] J. F. Watson, and J. W. Kaye, *op. cit.*, vols. I-VI, London 1868-72.—*Ed.*

[2] Here and below the author speaks of the large marriage groups of the Australian aborigines.—*Ed.*

have not yet the punaluan family; they have a cruder form of group marriage.

In all forms of the group family it is uncertain who the father of a child is, but it is certain who the mother is. Although she calls *all* the children of the aggregate family her children and is charged with the duties of a mother towards them, she, nevertheless, knows her natural children from the others. It is thus clear that, wherever group marriage exists, descent is traceable only on the *maternal* side, and thus the *female line* alone is recognized. This, in fact, is the case among all savage peoples and among those belonging to the lower stage of barbarism; and it is Bachofen's second great achievement to have been the first to discover this. He terms this exclusive recognition of lineage through the mother, and the inheritance relations that arose out of it in the course of time, mother right. I retain this term for the sake of brevity. It is, however, an unhappy choice, for at this social stage, there is as yet no such thing as right in the legal sense.

Now if we take from the punaluan family one of the two typical groups—namely, that consisting of a number of natural and collateral sisters (that is, those descendent from natural sisters in the first, second or more remote degree), together with their children and their natural or collateral brothers on their mother's

side (who according to our premise are *not* their husbands), we obtain exactly that circle of persons who later appear as members of a gens, in the original form of this institution. They have all a common ancestress, whose female descendants, generation by generation, are sisters by virtue of descent from her. These sisters' husbands, however, can no longer be their brothers, that is, cannot be descended from this ancestress, and, therefore, do not belong to the consanguineous group, the later gens; but their children do belong to this group, since descent on the mother's side is alone decisive, because it alone is certain. Once the proscription of sexual intercourse between all brothers and sisters, including even the most remote collateral relations on the mother's side, becomes established, the above group is transformed into a gens—that is, constitutes itself as a rigidly limited circle of blood relatives in the female line, who are not allowed to marry one another; from now on it increasingly consolidates itself by other common institutions of a social and religious character, and differentiates itself from the other gentes of the same tribe. We shall deal with this in greater detail later. If, however, we find that the gens not only necessarily, but even obviously evolved out of the punaluan family, then there is ground for assuming almost as a certainty that this

form of the family existed formerly among all peoples to whom gentile institutions are traceable—that is, nearly all barbarian and civilized peoples.

At the time Morgan wrote his book our knowledge of group marriage was still very limited. A little was known about the group marriages current among the Australians, who were organized in classes, and, in addition, Morgan, as early as 1871, published the information that reached him concerning the Hawaiian punaluan family. On the one hand, the punaluan family furnished the complete explanation of the system of consanguinity prevalent among the American Indians—the system which was the starting point of all of Morgan's investigations; on the other hand, it constituted a ready point of departure for the derivation of the mother-right gens; and, finally, it represented a far higher stage of development than the Australian classes. It is, therefore, comprehensible that Morgan should conceive the punaluan family as a stage of development necessarily preceding the pairing family, and assume that it was generally prevalent in earlier times. Since then we have learned of a series of other forms of group marriage and now know that Morgan went too far in this respect. Nevertheless, in his punaluan family, he had the good fortune to come across the highest, the classical form

of group marriage, the form from which the transition to a higher stage is most easily explained.

We are indebted to the English missionary Lorimer Fison for the most essential enrichment of our knowledge of group marriage, for he studied this form of the family for years in its classical home, Australia. He found the lowest stage of development among the Australian Negroes of Mount Gambier in South Australia. The whole tribe is here divided into two great classes—Kroki and Kumite. Sexual intercourse within each of these classes is strictly proscribed; on the other hand, every man of one class is the born husband of every woman of the other class, and she is his born wife. Not individuals, but entire groups are married to one another; class to class. And be it noted, no reservations at all are made here concerning difference of age, or special blood relationship, other than those determined by the division into two exogamous classes. A Kroki legitimately has every Kumite woman for his wife; since, however, his own daughter by a Kumite woman is, according to mother right, also a Kumite, she is thereby the born wife of every Kroki, including her father. At all events, the class organization, as we know it, imposes no restriction here. Hence, this organization either arose at a time when, despite all dim impulses to limit inbreed-

ing, sexual intercourse between parents and children was not yet regarded with any particular horror, in which case the class system would have arisen directly out of a condition of promiscuous sexual intercourse; or intercourse between parents and children *had already been* proscribed by custom when the classes arose, in which case the present position points back to the consanguine family, and is the first advance beyond it. The latter assumption is the more probable. Cases of marital connections between parents and children have not, as far as I am aware, been reported from Australia; and the later form of exogamy, the mother-right gens, also, as a rule, tacitly presupposes the prohibition of such converse as something already existing upon its establishment.

Apart from Mount Gambier, in South Australia, the *two*-class system is likewise to be found along the Darling River, farther East, and in Queensland, in the North-East, thus being very wide-spread. This system excludes only marriage between brothers and sisters, between the children of brothers and between the children of sisters on the mother's side, because these belong to the same class; on the other hand, the children of brother and sister are permitted to marry. A further step towards the prevention of inbreeding is to be found among the Kamilaroi, along the Darling River, in New

South Wales, where the two original classes are split into four, and each one of these four classes is likewise married bodily to another definite class. The first two classes are the born spouses of each other; the children become members of the third or the fourth class according to whether the mother belongs to the first or the second class; and the children of the third and fourth classes, which are likewise married to each other, belong again to the first and second classes. So that one generation always belongs to the first and second classes, the next belongs to the third and fourth, and the next again to the first and second. According to this system, the children of brothers and sisters (on the mother's side) may not become man and wife—their grandchildren, however, may. This strangely complicated system is made even more intricate by the grafting on of mother-right gentes, at any rate, later; but we cannot go into this here. We see, then, how the impulse towards the prevention of inbreeding asserts itself time and again, but in a groping, spontaneous way, without clear consciousness of purpose.

Group marriage, which in the case of Australia is still class marriage, the state of marriage of a whole class of men, often scattered over the whole breadth of the continent, with a similarly widely distributed class of women—this

group marriage, when observed more closely, is not quite so horrible as is fancied by the philistine in his brothel-tainted imagination. On the contrary, long years passed before its existence was even suspected, and indeed, it has been again disputed only quite recently. To the superficial observer it appears to be a kind of loose monogamy and, in places, polygamy, accompanied by occasional infidelity. One must spend years, as Fison and Howitt did, on the task of discovering the law that regulates these conditions of marriage—which in practice rather remind the average European of his own marital customs—the law according to which an Australian Negro, even when a stranger thousands of miles away from his home, among people whose very language he does not understand, nevertheless, quite often, in roaming from camp to camp, from tribe to tribe, finds women who guilelessly, without resistance, give themselves to him; and according to which he who has several wives offers one of them to his guest for the night. Where the European can see only immorality and lawlessness strict law actually reigns. The women belong to the stranger's marriage class, and are therefore his born wives; the same moral law which assigns one to the other, prohibits, on pain of banishment, all intercourse outside the marriage classes that belong to each other. Even where

women are abducted, which is frequently the case, and in some areas the rule, the class law is scrupulously observed.

The abduction of women already reveals even here a trace of the transition to individual marriage—at least in the form of the pairing marriage: After the young man has abducted, or eloped with, the girl with the assistance of his friends, all of them have sexual intercourse with her one after the other, whereupon, however, she is regarded the wife of the young man who initiated the abduction. And, conversely, should the abducted woman run away from the man and be captured by another, she becomes the latter's wife, and the first man loses his privilege. Thus, exclusive relations, pairing for longer or shorter periods, and also polygamy, establish themselves alongside of and within the system of group marriage, which, in general, continues to exist; so that here also group marriage is gradually dying out, the only question being which will first disappear from the scene as a result of European influence—group marriage or the Australian Negroes who indulge in it.

In any case, marriage in whole classes, such as prevails in Australia, is a very low and primitive form of group marriage; whereas the punaluan family is, as far as we know, its highest stage of development. The former would

seem to be the form corresponding to the social status of roving savages, while the latter presupposes relatively stable settlements of communistic communities and leads directly to the next and higher stage of development. Some intermediate stages will assuredly be found between these two; here an only just opened and barely trodden field of investigation lies before us.

3. The *Pairing* family. A certain pairing for longer or shorter periods took place already under group marriage, or even earlier. Among his numerous wives, the man had a principal wife (one can scarcely yet call her his favourite wife) and he was her principal husband, among the others. This situation contributed in no small degree to the confusion among the missionaries, who see in group marriage, now promiscuous community of wives, now wanton adultery. Such habitual pairing, however, necessarily became more and more established as the gens developed and as the numbers of classes of "brothers" and "sisters" between which marriage was now impossible increased. The impetus given by the gens to prevent marriage between blood relatives drove things still further. Thus we find that among the Iroquois and most other Indian tribes in the lower stage of barbarism, marriage is prohibited between *all* relatives recognized by their system, and these

are of several hundred kinds. This growing complexity of marriage prohibitions rendered group marriages more and more impossible; they were supplanted by the *pairing family*. At this stage one man lives with one woman, yet in such manner that polygamy and occasional infidelity remain men's privileges, even though the former is seldom practised for economic reasons; at the same time, the strictest fidelity is demanded of the woman during the period of cohabitation, adultery on her part being cruelly punished. The marriage tie can, however, be easily dissolved by either side, and the children belong solely to the mother, as previously.

In this ever widening exclusion of blood relatives from marriage, natural selection also continues to have its effect. In Morgan's words, marriage between non-consanguineous gentes "tended to create a more vigorous stock physically and mentally. When two advancing tribes are blended into one people... the new skull and brain would widen and lengthen to the sum of the capabilities of both." Tribes constituted according to gentes were bound, therefore, to gain the upper hand over the more backward ones, or carry them along by force of their example.

Thus, the evolution of the family in prehistoric times consisted in the continual narrow-

ing of the circle—originally embracing the whole tribe—within which marital community between the two sexes prevailed. By the successive exclusion, first of closer, then of ever remoter relatives, and finally even of those merely related by marriage, every kind of group marriage was ultimately rendered practically impossible; and in the end there remained only the one, for the moment still loosely united, couple, the molecule, with the dissolution of which marriage itself completely ceases. This fact alone shows how little individual sex love, in the modern sense of the word, had to do with the origin of monogamy. The practice of all peoples in this stage affords still further proof of this. Whereas under previous forms of the family men were never in want of women but, on the contrary, had a surfeit of them, women now became scarce and were sought after. Consequently, with pairing marriage begins the abduction and purchase of women—wide-spread *symptoms*, but nothing more, of a much more deeply-rooted change that had set in. These symptoms, mere methods of obtaining women, McLennan, the pedantic Scot, nevertheless metamorphosed into special classes of families which he called "marriage by abduction" and "marriage by purchase." Moreover, among the American Indians, and also among other tribes (at the same stage), the arrangement of a mar-

riage is not the affair of the two parties to the same, who, indeed, are often not even consulted, but of their respective mothers. Two complete strangers are thus often betrothed and only learn of the conclusion of the deal when the marriage day approaches. Prior to the marriage, presents are made by the bridegroom to the gentile relatives of the bride (that is, to her relatives on her mother's side, not to the father and his relatives), these presents serving as purchase gifts for the ceded girl. The marriage may be dissolved at the pleasure of either of the two spouses. Nevertheless, among many tribes, for example, the Iroquois, public sentiment gradually developed against such separations. When conflicts arise, the gentile relatives of both parties intervene and attempt a reconciliation, and separation takes place only after such efforts prove fruitless, the children remaining with the mother and each party being free to marry again.

The pairing family, itself too weak and unstable to make an independent household necessary, or even desirable, did not by any means dissolve the communistic household transmitted from earlier times. But the communistic household implies the supremacy of women in the house, just as the exclusive recognition of a natural mother, because of the impossibility of determining the natural father with certainty,

signifies high esteem for the women, that is, for the mothers. That woman was the slave of man at the commencement of society is one of the most absurd notions that have come down to us from the period of Enlightenment of the eighteenth century. Woman occupied not only a free but also a highly respected position among all savages and all barbarians of the lower and middle stages and partly even of the upper stage. Let Arthur Wright, missionary for many years among the Seneca Iroquois, testify what her place still was in the pairing family: "As to their family system, when occupying the old long houses [communistic households embracing several families] ... it is probable that some one clan [gens] predominated, the women taking in husbands from other clans [gentes] .... Usually the female portion ruled the house; the stores were in common; but woe to the luckless husband or lover who was too shiftless to do his share of the providing. No matter how many children or whatever goods he might have in the house, he might at any time be ordered to pack up his blanket and budge; and after such orders it would not be healthful for him to attempt to disobey. The house would be too hot for him; and he had to retreat to his own clan [gens]; or, as was often done, go and start a new matrimonial alliance in some other. The women were the great power among

the clans [gentes], as everywhere else. They did not hesitate, when occasion required, to knock off the horns, as it was technically called, from the head of the chief and send him back to the ranks of the warriors." The communistic household, in which most of the women or even all the women belong to one and the same gens, while the men come from various other gentes, is the material foundation of that predominancy of women which generally obtained in primitive times; and Bachofen's discovery of this constitutes the third great service he has rendered. I may add, furthermore, that the reports of travellers and missionaries about women among savages and barbarians being burdened with excessive toil in no way conflict with what has been said above. The division of labour between the two sexes is determined by causes entirely different from those that determine the status of women in society. Peoples whose women have to work much harder than we would consider proper often have far more real respect for women than our Europeans have for theirs. The social status of the lady of civilization, surrounded by sham homage and estranged from all real work, is socially infinitely lower than that of the hard-working woman of barbarism, who was regarded among her people as a real lady (lady, *frowa, Frau*-mistress [*Herrin*]) and was such by the nature of her position.

Whether or not the pairing family has totally supplanted group marriage in America today must be decided by closer investigation among the North Western and particularly among the South American peoples who are still in the higher stage of savagery. So very many instances of sexual freedom are reported with regard to these latter that the complete suppression of the old group marriage can scarcely be assumed. At any rate, not all traces of it have as yet disappeared. Among at least forty North American tribes, the man who marries the eldest sister in a family is entitled to all her sisters as wives as soon as they reach the requisite age—a survival of the community of husbands for a whole group of sisters. And Bancroft relates that the tribes of the Californian peninsula (in the upper stage of savagery) have certain festivities, during which several "tribes" congregate for the purpose of indiscriminate sexual intercourse. These are manifestly gentes for whom these festivities represent dim memories of the times when the women of one gens had all the men of another for their common husbands, and *vice versa*. The same custom still prevails in Australia. Among a few peoples it happens that the older men, the chiefs and sorcerer-priests, exploit the community of wives for their own ends and monopolize most of the women for themselves; but they, in their turn,

have to allow the old common possession to be restored during certain feasts and great popular gatherings and permit their wives to enjoy themselves with the young men. Westermarck (pp. 28 and 29) adduces a whole series of examples of such periodical Saturnalian feasts during which the old free sexual intercourse comes into force again for a short period, as, for example, among the Hos, the Santals, the Panjas and Kotars of India, among some African peoples, etc. Curiously enough, Westermarck concludes from this that they are relics, not of group marriage, which he rejects, but—of the mating season common alike to primitive man and the other animals.

We now come to Bachofen's fourth great discovery, that of the wide-spread form of transition from group marriage to pairing. What Bachofen construes as a penance for infringing the ancient commandments of the gods, the penance with which the woman buys her right to chastity, is in fact nothing more than a mystical expression for the penance by means of which the woman purchases her redemption from the ancient community of husbands and acquires the right to give herself to *one* man only. This penance takes the form of limited surrender: the Babylonian women had to surrender themselves once a year in the temple of Mylitta. Other Middle Eastern peoples sent their girls

for years to the Temple of Anaitis, where they had to practise free love with favourites of their own choice before they were allowed to marry. Similar customs bearing a religious guise are common to nearly all Asiatic peoples between the Mediterranean and the Ganges. The propitiatory sacrifice for the purpose of redemption becomes gradually lighter in the course of time, as Bachofen notes: "The annually repeated offering yields place to the single performance; the hetaerism of the matrons is succeeded by that of the maidens, its practice during marriage by practice before marriage, the indiscriminate surrender to all by surrender to certain persons" (*Mother Right*,[1] p. xix). Among other peoples, the religious guise is absent; among some —the Thracians, Celts, etc., of antiquity, and many aboriginal inhabitants of India, the Malay peoples, South Sea Islanders and many American Indians even to this day—the girls enjoy the greatest sexual freedom until their marriage. Particularly is this the case throughout almost the whole of South America, as anybody who has penetrated a little into the interior can testify. Thus, Agassiz (*A Journey in Brazil*, Boston and New York, 1886, p. 226) relates the following about a rich family of Indian descent. When he was introduced to the daughter

[1] J. J. Bachofen, *Das Mutterrecht*. Stuttgart 1861.—*Ed.*

and enquired after her father, who, he supposed, was the mother's husband, an officer on active service in the war against Paraguay, the mother answered smilingly: "*não tem pai, é filha da fortuna*"—she has no father, she is the daughter of chance. "It is the way the Indian or half-breed women here always speak of their illegitimate children, unconscious of any wrong or shame. So far is this from being an unusual case that the opposite seems the exception. Children [often] know [only] about their mother, for all the care and responsibility falls upon her; but they have no knowledge of their father, nor does it seem to occur to the woman that she or her children have any claim upon him." What here appears to be so strange to the civilized man is simply the rule according to mother right and in group marriage.

Among still other peoples, the bridegroom's friends and relatives, or the wedding guests, exercise their old traditional right to the bride at the wedding itself, and the bridegroom has his turn last of all; for instance, on the Balearic Islands and among the African Augilas of antiquity, and among the Bareas of Abyssinia even now. In the case of still other peoples, again, an official person—the chief of the tribe or of the gens, the cacique, shaman, priest, prince or whatever his title—represents the community and exercises the right of first night with the

bride. Despite all neoromantic whitewashing, this *jus primae noctis*[1] persists to this day as a relic of group marriage among most of the natives of the Alaska territory (Bancroft, *Native Races*, I, p. 81), among the Tahus in North Mexico (*ibid.*, p. 584) and among other peoples; and it existed throughout the Middle Ages at least in the originally Celtic countries, where it was directly transmitted from group marriage; for instance, in Aragon. While the peasant in Castille was never a serf, in Aragon the most ignominious serfdom prevailed until abolished by the decree issued by Ferdinand the Catholic in 1486. This public act states: "We pass judgment and declare that the aforementioned lords (senyors, barons) ... also shall not sleep the first night with the woman taken in wedlock by a peasant, nor on the wedding night, after she has gone to bed, stride over it and over the woman as a sign of their authority; nor shall the aforementioned lords avail themselves of the services of the sons or daughters of the peasant, with or without payment, against their will." (Quoted in the Catalonian original by Sugenheim, *Serfdom*, Petersburg 1861,[2] p. 35.)

[1] Right of the first night.—*Ed.*

[2] S. Sugenheim, *Geschichte der Aufhebung der Leibeigenschaft und Hörigkeit in Europa bis an die Mitte des neunzehnten Jahrhunderts* [*History of the Abolition of Serfdom and Bond Service in Europe until the Middle of the Nineteenth Century*], St. Petersburg 1861.—*Ed.*

Bachofen is again absolutely right when he contends throughout that the transition from what he terms "hetaerism" or "*Sumpfzeugung*" to monogamy was brought about essentially by the women. The more the old traditional sexual relations lost their naïve, primitive jungle character, as a result of the development of the economic conditions of life, that is, with the undermining of the old Communism and the growing density of the population, the more degrading and oppressive must they have appeared to the women; the more fervently must they have longed for the right to chastity, to temporary or permanent marriage with one man only, as a deliverance. This advance could not have originated from the men, if only for the reason that they have never—not even to the present day —dreamed of renouncing the pleasures of actual group marriage. Only after the transition to pairing marriage had been effected by the women could the men introduce strict monogamy—for the women only, of course.

The pairing family arose on the border line between savagery and barbarism, mainly at the upper stage of savagery, and here and there only at the lower stage of barbarism. It is the form of the family characteristic of barbarism, in the same way as group marriage is characteristic of savagery and monogamy of civilization. For its further development to stable mono-

gamy, causes different from those we have hitherto found operating were required. In the pairing family, the group was already reduced to its last unit, its two-atom molecule—to one man and one woman. Natural selection had completed its work by constantly reducing the circle of community marriage; there was nothing more left for it to do in this direction. If no new, *social* driving forces had come into operation, there would have been no reason why a new form of the family should arise out of the pairing family. But these driving forces did commence to operate.

We now leave America, the classical soil of the pairing family. There is no evidence to enable us to conclude that a higher form of the family developed there, or that strict monogamy existed in any part of it at any time before its discovery and conquest. It was otherwise in the Old World.

Here the domestication of animals and the breeding of herds had developed a hitherto unsuspected source of wealth and created entirely new social relationships. Until the lower stage of barbarism, fixed wealth consisted almost entirely of the house, clothing, crude ornaments and the implements for procuring and preparing food: boats, weapons and household utensils of the simplest kind. Food had to be won anew day by day. Now, with herds of horses,

camels, donkeys, oxen, sheep, goats and pigs, the advancing pastoral peoples—the Aryans in the Indian land of the five rivers and the Ganges area, as well as in the then much more richly watered steppes of the Oxus and the Jaxartes, and the Semites on the Euphrates and the Tigris—acquired possessions demanding merely supervision and most elementary care in order to propagate in ever-increasing numbers and to yield the richest nutriment in milk and meat. All previous means of procuring food now sank into the background. Hunting, once a necessity, now became a luxury.

But to whom did this new wealth belong? Originally, undoubtedly, to the gens. But private property in herds must have developed at a very early stage. It is hard to say whether Father Abraham appeared to the author of the so-called First Book of Moses as the owner of his herds and flocks in his own right as head of a family community or by virtue of his status as actual hereditary chief of a gens. One thing, however, is certain, and that is that we must not regard him as a property owner in the modern sense of the term. Equally certain is it that on the threshold of authenticated history we find that everywhere the herds are already the separate property of the family chiefs, in exactly the same way as were the artistic products

of barbarism, metal utensils, articles of luxury and, finally, human cattle—the slaves.

For now slavery also was invented. The slave was useless to the barbarian of the lower stage. It was for this reason that the American Indians treated their vanquished foes quite differently from the way they were treated in the upper stage. The men were either killed or adopted as brothers by the tribe of the victors. The women were either taken in marriage or likewise just adopted along with their surviving children. Human labour power at this stage yielded no noticeable surplus as yet over the cost of its maintenance. With the introduction of cattle breeding, of the working up of metals, of weaving and, finally, of field cultivation, this changed. Just as the once so easily obtainable wives had now acquired an exchange value and were bought, so it happened with labour power, especially after the herds had finally been converted into family possessions. The family did not increase as rapidly as the cattle. More people were required to tend them; the captives taken in war were useful for just this purpose, and, furthermore, they could be bred like the cattle itself.

Such riches, once they had passed into the private possession of families and there rapidly multiplied, struck a powerful blow at a society founded on pairing marriage and mother-right

gens. Pairing marriage had introduced a new element into the family. By the side of the natural mother it had placed the authenticated natural father—who was probably better authenticated than many a "father" of the present day. According to the division of labour then prevailing in the family, the procuring of food and the implements necessary thereto, and therefore, also, the ownership of the latter, fell to the man; he took them with him in case of separation, just as the woman retained the household goods. Thus, according to the custom of society at that time, the man was also the owner of the new sources of food stuffs—the cattle—and later, of the new instrument of labour—the slaves. According to the custom of the same society, however, his children could not inherit from him, for the position in this respect was as follows:

According to mother right, that is, as long as descent was reckoned solely through the female line, and according to the original custom of inheritance in the gens, it was the gentile relatives that at first inherited from a deceased member of the gens. The property had to remain within the gens. At first, in view of the insignificance of the chattels in question, it may, in practice, have passed to the nearest gentile relatives—that is, to the blood relatives on the mother's side. The children of the deceased, how-

ever, belonged not to his gens, but to that of their mother. In the beginning, they inherited from their mother, along with the rest of their mother's blood relatives, and later, perhaps, had first claim upon her property; but they could not inherit from their father, because they did not belong to his gens, and his property had to remain in the latter. On the death of the herd owner, therefore, his herds passed, first of all, to his brothers and sisters and to his sisters' children or to the descendants of his mother's sisters. His own children, however, were disinherited.

Thus, as wealth increased, it, on the one hand, gave the man a more important status in the family than the woman, and, on the other hand, created a stimulus to utilize this strengthened position in order to overthrow the traditional order of inheritance in favour of his children. But this was impossible as long as descent according to mother right prevailed. This had, therefore, to be overthrown, and it was overthrown; and it was not so difficult to do this as it appears to us now. For this revolution—one of the most decisive ever experienced by mankind—need not have disturbed one single living member of a gens. All the members could remain what they were previously. The simple decision sufficed that in future the descendants of the male members should remain in the gens, but

that those of the females were to be excluded from the gens and transferred to that of their father. The reckoning of descent through the female line and the right of inheritance through the mother were hereby overthrown and male lineage and right of inheritance from the father instituted. As to how and when this revolution was effected among the civilized peoples we know nothing. It falls entirely within prehistoric times. That it *was* actually effected is more than proved by the abundant traces of mother right which have been collected, especially by Bachofen. How easily it is accomplished can be seen from a whole number of Indian tribes, among whom it has only recently taken place and is still proceeding, partly under the influence of increasing wealth and changed methods of life (transplantation from the forests to the prairies), and partly under the moral influence of civilization and the missionaries. Of eight Missouri tribes, six have male and two still retain the female lineage and female inheritance line. Among the Shawness, Miamis and Delawares it has become the custom to transfer the children to the father's gens by giving them one of the gentile names obtaining therein, in order that they may inherit from him. "Innate human casuistry to seek to change things by changing their names! And to find loopholes for breaking through tradition within tradition it-

self, wherever a direct interest provided a sufficient motive!" (Marx.) As a consequence, hopeless confusion arose; and matters could only be straightened out, and partly were straightened out, by the transition to father right. "This appears altogether to be the most natural transition." (Marx.) As for what the experts on comparative law have to tell us regarding the ways and means by which this transition was effected among the civilized peoples of the Old World —almost mere hypotheses, of course—see M. Kovalevsky, *Outline of the Origin and Evolution of the Family and Property*, Stockholm 1890.[1]

The overthrow of mother right was the *world-historic defeat of the female sex*. The man seized the reins in the house also, the woman was degraded, enthralled, the slave of the man's lust, a mere instrument for breeding children. This lowered position of women, especially manifest among the Greeks of the Heroic and still more of the Classical Age, has become gradually embellished and dissembled and, in part, clothed in a milder form, but by no means abolished.

The first effect of the sole rule of the men that was now established is shown in the intermediate form of the family which now emerges, the

[1] Maxim Kovalevsky, *Tableau des origines et de l'évolution de la famille et de la propriété*, Stockholm 1890.—*Ed.*

patriarchal family. Its chief attribute is not polygamy—of which more anon—but "the organization of a number of persons, bond and free, into a family, under the paternal power of the head of the family. In the Semitic form, this family chief lives in polygamy, the bondsman has a wife and children, and the purpose of the whole organization is the care of flocks and herds over a limited area." The essential features are the incorporation of bondsmen and the paternal power; the Roman family, accordingly, constitutes the perfected type of this form of the family. The word *familia* did not originally signify the ideal of our modern philistine, which is a compound of sentimentality and domestic discord. Among the Romans, in the beginning, it did not even refer to the married couple and their children, but to the slaves alone. *Famulus* means a household slave and *familia* signifies the totality of slaves belonging to one individual. Even in the time of Gaius the *familia, id est patrimonium* (that is, the inheritance) was bequeathed by will. The expression was invented by the Romans to describe a new social organism, the head of which had under him wife and children and a number of slaves, under Roman paternal power, with power of life and death over them all. "The term, therefore, is no older than the ironclad family system of the Latin tribes, which came in after field agricul-

ture and after legalized servitude, as well as after the separation of the Greeks and (Aryan) Latins." To which Marx adds: "The modern family contains in embryo not only slavery (*servitus*) but serfdom also, since from the very beginning it is connected with agricultural services. It contains within itself in *miniature* all the antagonisms which later develop on a wide scale within society and its state."

Such a form of the family shows the transition of the pairing family to monogamy. In order to guarantee the fidelity of the wife, that is, the paternity of the children, the woman is placed in the man's absolute power; if he kills her, he is but exercising his right.

With the patriarchal family we enter the field of written history and, therewith, a field in which the science of comparative law can render us important assistance. And in fact it has here procured us considerable progress. We are indebted to Maxim Kovalevsky (*Outline of the Origin and Evolution of the Family and Property*, Stockholm 1890, pp. 60-100) for the proof that the patriarchal household community (*Hausgenossenschaft*), such as we still find it today among the Serbs and the Bulgars under the designations of *Zadruga* (meaning something like fraternity) or *Bratstvo* (brotherhood), and among the Oriental peoples in a modified form, constituted the transition stage between

the mother-right family which evolved out of group marriage and the individual family known to the modern world. This appears to be proved at least as far as the civilized peoples of the Old World, the Aryans and Semites, are concerned.

The South-Slavic *Zadruga* provides the best existing example of such a family community. It embraces several generations of the descendants of one father and their wives, who all live together in one household, till their fields in common, feed and clothe themselves from the common store and communally own all surplus products. The community is under the supreme management of the master of the house (*domàcin*), who represents it in external affairs, may dispose of smaller objects, and manages the finances, being responsible for the latter as well as for the regular conduct of business. He is elected and does not by any means need to be the eldest. The women and their work are under the direction of the mistress of the house (*domàcica*), who is usually the *domàcin*'s wife. In the choice of husbands for the girls she has an important, often the decisive voice. Supreme power, however, is vested in the Family Council, the assembly of all adult members, women as well as men. To this assembly the master of the house renders his account; it makes all the important decisions, administers justice

among the members, decides on purchases and sales of any importance, especially of landed property, etc.

It was only about ten years ago that the existence of such large family communities in Russia also was proved; they are now generally recognized as being just as firmly rooted in the popular customs of the Russians as the *obščina*, or village community. They figure in the most ancient Russian law code—the *Pravda* of Yaroslav—under the same name (*vervj*) as in the Dalmatian Laws, and references to them may be found also in Polish and Czech historical sources.

According to Heusler (*Institutes of German Right*[1]) the economic unit among the Germans also was not originally the individual family in the modern sense, but the "house community" (*Hausgenossenschaft*), consisting of several generations, or individual families, and more often than not including plenty of bondsmen. The Roman family, too, has been traced back to this type, and in consequence the absolute power of the head of the house, as also the lack of rights of the remaining members of the family in relation to him, has recently been strongly questioned. Similar family communities are like-

[1] A. Heusler, *Institutionen des deutschen Rechts*. Bd. I-II, Leipzig 1885-86.—*Ed.*

wise supposed to have existed among the Celts in Ireland; in France they continued to exist in Nivernais under the name of *parçonneries* right up to the French Revolution, while in Franche Comté they are not quite extinct even today. In the district of Louhans (Saône et Loire) may be seen large peasant houses with a lofty communal central hall reaching up to the roof, surrounded by sleeping rooms, to which access is had by staircases of from six to eight steps, and in which dwell several generations of the same family.

In India, the household community with common tillage of the soil was already mentioned by Nearchus, in the time of Alexander the Great, and exists to this day in the same area, in the Punjab and the entire North-Western part of the country. Kovalevsky himself was able to testify to its existence in the Caucasus. It still exists in Algeria among the Kabyles. It is said to have existed even in America; attempts are being made to identify it with the *calpullis*[1] in ancient Mexico, described by Zurita; Cunow, on the other hand, has proved fairly clearly (in *Ausland*, 1890, Nos. 42-44) that a kind of mark constitution existed in Peru (where, peculiarly enough, the mark was called *marca*) at the time of the Conquest, with periodical allotment of the cultivated land, that is, individual tillage.

[1] *Calpullis*: Aztec family community.—*Ed.*

At any rate, the patriarchal household community with common land ownership and common tillage now assumes quite another significance than hitherto. We can no longer doubt the important transitional role which it played among the civilized and many other peoples of the Old World between the mother-right family and the monogamian family. We shall return later on to the further conclusion drawn by Kovalevsky, namely, that it was likewise the transition stage out of which developed the village, or mark, community with individual cultivation and at first periodical, then permanent allotment of arable and pasture lands.

As regards family life within these household communities, it should be noted that in Russia, at least, the head of the house is reputed to be strongly abusing his position as far as the younger women, particularly his daughters-in-law, are concerned, and to be very often converting them into a harem; these conditions are rather eloquently reflected in the Russian folk songs.

A few words more about polygamy and polyandry before we deal with monogamy, which developed rapidly following the overthrow of mother right. Both these marriage forms can only be exceptions, historical luxury products, so to speak, unless they appeared side by side in any country, which, as is well known, is

not the case. As, therefore, the men, excluded from polygamy, could not console themselves with the women left over from polyandry, the numerical strength of men and women without regard to social institutions having been fairly equal hitherto, it is evident that neither the one nor the other form of marriage could rise to general prevalence. Actually, polygamy on the part of a man was clearly a product of slavery and limited to a few exceptional cases. In the Semitic patriarchal family, only the patriarch himself and, at most, a couple of his sons lived in polygamy; the others had to be content with one wife each. It remains the same today throughout the entire Orient. Polygamy is a privilege of the rich and the grandees, the wives being recruited chiefly by the purchase of female slaves; the mass of the people live in monogamy. Just such an exception is provided by polyandry in India and Tibet, the certainly not uninteresting origin of which from group marriage requires closer investigation. In its practice, at any rate, it appears to be much more tolerable than the jealous harem establishments of the Mohammedans. At least, among the Nairs in India, the men, in groups of three, four or more, have, to be sure, one wife in common; but each of them can simultaneously have a second wife in common with three or more other men, and, in the same way, a third wife, a

fourth and so on. It is a wonder that McLennan did not discover a new class—that of *club marriage*—in these marriage clubs, membership of several of which at a time was open to the men, and which he himself described. This marriage club business, however, is by no means real polyandry; on the contrary, as has been noted by Giraud-Teulon, it is a specialized form of group marriage, the men living in polygamy, the women in polyandry.

4. The *Monogamous* family. As already indicated, this arises out of the pairing family in the transition period from the middle to the upper stage of barbarism, its final victory being one of the signs of the beginning of civilization. It is based on the supremacy of the man; its express aim is the begetting of children of undisputed paternity, this paternity being required in order that these children may in due time inherit their father's wealth as his natural heirs. The monogamous family differs from pairing marriage in the far greater rigidity of the marriage tie, which can now no longer be dissolved at the pleasure of either party. Now, as a rule, only the man can dissolve it and cast off his wife. The right of conjugal infidelity remains his even now, sanctioned, at least, by custom (the *Code Napoléon* expressly concedes this right to the husband as long as he does not bring his concubine into the conjugal home), and is exer-

cised more and more with the growing development of society. Should the wife recall the ancient sexual practice and desire to revive it, she is punished more severely than ever before.

We are confronted with this new form of the family in all its severity among the Greeks. While, as Marx observes, the position of the goddesses in mythology represents an earlier period, when women still occupied a freer and more respected place, in the Heroic Age we already find women degraded owing to the predominance of the man and the competition of female slaves. One may read in the *Odyssey* how Telemachus cuts his mother short and enjoins silence upon her. In Homer the young female captives become the objects of the sensual lust of the victors; the military chiefs, one after the other, according to rank, choose the most beautiful ones for themselves. The whole of the *Iliad*, as we know, revolves around the quarrel between Achilles and Agamemnon over such a female slave. In connection with each Homeric hero of importance mention is made of a captive maiden with whom he shares tent and bed. These maidens are taken back home, to the conjugal house, as was Cassandra by Agamemnon in Aeschylus. Sons born of these slaves receive a small share of their father's estate and are regarded as freemen. Teukros

was such an illegitimate son of Telamon and was permitted to adopt his father's name. The wedded wife is expected to tolerate all this, but to maintain strict chastity and conjugal fidelity herself. True, in the Heroic Age the Greek wife is more respected than in the period of civilization; for the husband, however, she is, in reality, merely the mother of his legitimate heirs, his chief housekeeper, and the superintendent of the female slaves, whom he may make, and does make, his concubines at will. It is the existence of slavery side by side with monogamy, the existence of beautiful young slaves who belong to the *man* with all they have, that from the very beginning stamped on monogamy its specific character as monogamy *only for the woman*, but not for the man. And it retains this character to this day.

As regards the Greeks of later times, we must differentiate between the Dorians and the Ionians. The former, of whom Sparta was the classical example, had in many respects more ancient marriage relationships than even Homer indicates. In Sparta we find a form of pairing marriage—modified by the state in accordance with the conceptions there prevailing—which still retains many vestiges of group marriage. Childless marriages were dissolved; King Anaxandridas (about 650 B.C.) took another wife in addition to his first, childless one, and

maintained two households; King Aristones of the same period added a third to two previous wives who were barren, one of whom he, however, let go. On the other hand, several brothers could have a wife in common. A person having a preference for his friend's wife could share her with him; and it was regarded as proper to place one's wife at the disposal of a lusty "stallion," as Bismarck would say, even when this person was not a citizen. A passage in Plutarch, where a Spartan woman sends a lover who is pursuing her with his attentions to interview her husband, would indicate, according to Schömann, still greater sexual freedom. Real adultery, the infidelity of the wife behind the back of her husband, was thus unheard of. On the other hand, domestic slavery was unknown in Sparta, at least in its hey-day; the Helot serfs lived segregated on the estates and thus there was less temptation for the Spartiates[1] to have intercourse with their women. That in all these circumstances the women of Sparta enjoyed a very much more respected position than all other Greek women was quite natural. The Spartan women and the *élite* of the Athenian *hetaerae* are the only Greek women of whom the Ancients speak with respect, and whose remarks they consider as being worthy of record.

[1] *Spartiates*: Class of citizens of ancient Sparta enjoying full civil rights, in contrast to the Helots.—*Ed.*

Among the Ionians—of whom Athens is characteristic—things were quite different. Girls learned only spinning, weaving and sewing, at best a little reading and writing. They were practically kept in seclusion and consorted only with other women. The women's quarter was a separate and distinct part of the house, on the upper floor, or in the rear building, not easily accessible to men, particularly strangers; to this the women retired when men visitors came. The women did not go out unless accompanied by a female slave; at home they were virtually kept under guard; Aristophanes speaks of Molossian hounds kept to frighten off adulterers, while in Asiatic towns, at least, eunuchs were maintained to keep guard over the women; they were manufactured for the trade in Chios as early as Herodotus' day, and according to Wachsmuth, not merely for the barbarians. In Euripides, the wife is described as *oikurema*, a thing for housekeeping (the word is in the neuter gender), and apart from the business of bearing children, she was nothing more to the Athenian than the chief housemaid. The husband had his gymnastic exercises, his public affairs, from which the wife was excluded; in addition, he often had female slaves at his disposal and, in the hey-day of Athens, extensive prostitution, which was viewed with favour by the state, to say the least. It was precisely on the basis of this pros-

titution that the sole outstanding Greek women developed, who by their *esprit* and artistic taste towered as much above the general level of ancient womanhood as the Spartiate women did by virtue of their character. That one had first to become a *hetaera* in order to become a woman is the strongest indictment of the Athenian family.

In the course of time, this Athenian family became the model upon which not only the rest of the Ionians, but also all the Greeks of the mainland and of the colonies increasingly moulded their domestic relationships. But despite all seclusion and surveillance the Greek women found opportunities often enough for deceiving their husbands. The latter, who would have been ashamed to evince any love for their own wives, amused themselves with *hetaerae* in all kinds of amours. But the degradation of the women recoiled on the men themselves and degraded them too, until they sank into the perversion of boylove, degrading both themselves and their gods by the myth of Ganymede.

This was the origin of monogamy, as far as we can trace it among the most civilized and highly developed people of antiquity. It was not in any way the fruit of individual sex love, with which it had absolutely nothing in common, for the marriages remained marriages of convenience, as before. It was the first form of the fam-

ily based not on natural but on economic conditions, namely, on the victory of private property over original, naturally developed, common ownership. The rule of the man in the family, the procreation of children who could only be his, destined to be the heirs of his wealth—these alone were frankly avowed by the Greeks as the exclusive aims of monogamy. For the rest, it was a burden, a duty to the gods, to the state and to their ancestors, which just had to be fulfilled. In Athens the law made not only marriage compulsory, but also the fulfilment by the man of a minimum of the so-called conjugal duties.

Thus, monogamy does not by any means make its appearance in history as the reconciliation of man and woman, still less as the highest form of such a reconciliation. On the contrary, it appears as the subjection of one sex by the other, as the proclamation of a conflict between the sexes entirely unknown hitherto in prehistoric times. In an old unpublished manuscript, the work of Marx and myself in 1846,[1] I find the following: "The first division of labour is that between man and woman for child breeding." And today I can add: The first class antagonism which appears in history coin-

[1] The reference is to *Die deutsche Ideologie* (*The German Ideology*); Eng. translation of parts I and III published in New York, 1939.—*Ed.*

cides with the development of the antagonism between man and woman in monogamous marriage, and the first class oppression with that of the female sex by the male. Monogamy was a great historical advance, but at the same time it inaugurated, along with slavery and private wealth, that epoch, lasting until today, in which every advance is likewise a relative regression, in which the well-being and development of the one group are attained by the misery and repression of the other. It is the cellular form of civilized society, in which we can already study the nature of the antagonisms and contradictions which develop fully in the latter.

The old relative freedom of sexual intercourse by no means disappeared with the victory of the pairing family, or even of monogamy. "The old conjugal system, now reduced to narrower limits by the gradual disappearance of the punaluan groups, still environed the advancing family, which it was to follow to the verge of civilization. . . . It finally disappeared in the new form of hetaerism, which still follows mankind in civilization as a dark shadow upon the family." By hetaerism Morgan means that extramarital sexual intercourse between men and unmarried women which exists *alongside of monogamy*, and, as is well known, has flourished in the most diverse forms during the whole period of civilization and is steadily develop-

ing into open prostitution. This hetaerism is directly traceable to group marriage, to the sacrificial surrender of the women, whereby they purchased their right to chastity. The surrender for money was at first a religious act, taking place in the temple of the Goddess of Love, and the money originally flowed into the coffers of the temple. The hierodules[1] of Anaitis in Armenia, of Aphrodite in Corinth, as well as the religious dancing girls attached to the temples in India—the so-called bayaderes (the word is a corruption of the Portuguese *bailadeira*, a female dancer)—were the first prostitutes. This sacrificial surrender, originally obligatory for all women, was later practised vicariously by these priestesses alone on behalf of all other women. Hetaerism among other peoples grows out of the sexual freedom permitted to girls, before marriage—hence likewise a survival of group marriage, only transmitted to us by another route. With the rise of property differentiation—that is, as far back as the upper stage of barbarism—wage labour appears sporadically alongside of slave labour; and simultaneously, as its necessary correlate, the professional prostitution of free women appears side by side with the forced surrender of the female slave. Thus, the heritage bequeathed to

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[1] *Hierodules*: Female slave temple attendants.—*Ed.*

civilization by group marriage is double-sided, just as everything engendered by civilization is double-sided, double-tongued, self-contradictory and antagonistic: on the one hand, monogamy, on the other, hetaerism, including its most extreme form, prostitution. Hetaerism is as much a social institution as any other; it is a continuation of the old sexual freedom—in favour of the men. Although, in reality, it is not only tolerated but even practised with gusto, particularly by the ruling classes, it is condemned in words. In reality, however, this condemnation by no means hits the men who indulge in it, it hits only the women: they are ostracized and cast out in order to proclaim once again the absolute domination of the male over the female sex as the fundamental law of society.

A second contradiction, however, is hereby developed within monogamy itself. By the side of the husband, whose life is embellished by hetaerism, stands the neglected wife. And it is just as impossible to have one side of a contradiction without the other as it is to retain the whole of an apple in one's hand after half has been eaten. Nevertheless, the men appear to have thought differently, until their wives taught them to know better. Two permanent social figures, previously unknown, appear on the scene along with monogamy—the wife's paramour and the cuckold. The men had gained

the victory over the women, but the act of crowning the victor was magnanimously undertaken by the vanquished. Adultery—proscribed, severely penalized, but irrepressible—became an unavoidable social institution alongside of monogamy and hetaerism. The assured paternity of children was now, as before, based, at best, on moral conviction; and in order to solve the insoluble contradiction, Article 312 of the *Code Napoléon* decreed: "*L'enfant conçu pendant le mariage a pour père le mari*," "a child conceived during marriage has for its father the husband." This is the final outcome of three thousand years of monogamy.

Thus, in the monogamous family, in those cases that faithfully reflect its historical origin and that clearly bring out the sharp conflict between man and woman resulting from the exclusive domination of the male, we have a picture in miniature of the very antagonisms and contradictions in which society, split up into classes since the commencement of civilization, moves, without being able to resolve and overcome them. Naturally, I refer here only to those cases of monogamy where matrimonial life really takes its course according to the rules governing the original character of the whole institution but where the wife rebels against the domination of the husband. That this is not the case with *all* marriages no one knows better

than the German philistine, who is no more capable of ruling in the home than in the state, and whose wife, therefore, with full justification, wears the breeches of which he is unworthy. But in consolation he imagines himself to be far superior to his French companion in misfortune, who, more often than he, fares far worse.

The monogamous family, however, did not by any means appear everywhere and always in the classically harsh form which it assumed among the Greeks. Among the Romans, who as future world conquerors took a longer, if less refined, view than the Greeks, woman was more free and respected. The Roman believed the conjugal fidelity of his wife to be adequately safeguarded by his power of life and death over her. Besides, the wife, just as well as the husband, could dissolve the marriage voluntarily. But the greatest advance in the development of monogamy definitely occurred with the entry of the Germans into history, because, probably owing to their poverty, monogamy does not yet appear to have completely evolved among them out of the pairing marriage. This we conclude from three circumstances mentioned by Tacitus: Firstly, despite their firm belief in the sanctity of marriage—"each man is contented with a single wife, and the women lived fenced around with chastity"—polygamy existed for

men of rank and the tribal chiefs, a situation similar to that of the Americans among whom pairing marriage prevailed. Secondly, the transition from mother right to father right could only have been accomplished a short time previously, for the mother's brother—the closest male gentile relative according to mother right—was still regarded as being an almost closer relative than one's own father, which likewise corresponds to the standpoint of the American Indians, among whom Marx found the key to the understanding of our own prehistoric past, as he often used to say. And thirdly, women among the Germans were highly respected and were influential in public affairs also—which directly conflicts with the domination of the male characteristic of monogamy. Nearly all these are points on which the Germans are in accord with the Spartans, among whom, likewise, as we have already seen, pairing marriage had not completely disappeared. Thus, in this connection also, an entirely new element acquired world supremacy with the emergence of the Germans. The new monogamy which now developed out of the mingling of races on the ruins of the Roman world clothed the domination of the men in milder forms and permitted women to occupy, at least with regard to externals, a far freer and more respected position than classical antiquity had ever known. This,

for the first time, created the possibility for the greatest moral advance which we derive from and owe to monogamy—a development taking place within it, parallel with it, or in opposition to it, as the case might be, namely, modern individual sex love, previously unknown to the whole world.

This advance, however, definitely arose out of the circumstance that the Germans still lived in the pairing family, and as far as possible, grafted the position of woman corresponding thereto on to monogamy. It by no means arose as a result of the legendary, wonderful moral purity of temperament of the Germans, which was limited to the fact that, in practice, the pairing family did not reveal the same glaring moral antagonisms as monogamy. On the contrary, the Germans, in their migrations, particularly south-east, to the nomads of the steppes on the Black Sea, suffered considerable moral degeneration and, apart from their horsemanship, acquired serious unnatural vices from them, as is attested to explicitly by Ammianus about the Taifali, and by Procopius about the Heruli.

Although monogamy was the only known form of the family out of which modern sex love could develop, it does not follow that this love developed within it exclusively, or even predominantly, as the mutual love of man and

wife. The whole nature of strict monogamous marriage under male domination ruled this out. Among all historically active classes, that is, among all ruling classes, matrimony remained what it had been since pairing marriage—a matter of convenience arranged by the parents. And the first form of sex love that historically emerges as a passion, and as a passion in which any person (at least of the ruling classes) has a right to indulge, as the highest form of the sexual impulse—which is precisely its specific feature—this, its first form, the chivalrous love of the Middle Ages, was by no means conjugal love. On the contrary, in its classical form, among the Provençals, it steers under full sail towards adultery, the praises of which are sung by their poets. The "*Albas*," in German *Tagelieder* [Songs of the Dawn], are the flower of Provençal love poetry. They describe in glowing colours how the knight lies with his love—the wife of another—while the watchman stands guard outside, calling him at the first faint streaks of dawn (*alba*) so that he may escape unobserved. The parting scene then constitutes the climax. The Northern French, as well as the worthy Germans, likewise adopted this style of poetry, along with the manners of chivalrous love which corresponded to it; and on this same suggestive theme our own old Wolfram von Eschenbach has left us three exquisite Songs

of the Dawn, which I prefer to his three long heroic poems.

Bourgeois marriage of our own times is of two kinds. In Catholic countries the parents, as heretofore, still provide a suitable wife for their young bourgeois son, and the consequence is naturally the fullest unfolding of the contradiction inherent in monogamy—flourishing hetaerism on the part of the husband, and flourishing adultery on the part of the wife. The Catholic Church doubtless abolished divorce only because it was convinced that for adultery, as for death, there is no cure whatsoever. In Protestant countries, on the other hand, it is the rule that the bourgeois son is allowed to seek a wife for himself from his own class, more or less freely. Consequently, marriage can be based on a certain degree of love which, for decency's sake, is always assumed, in accordance with Protestant hypocrisy. In this case, hetaerism on the part of the men is less actively pursued, and adultery on the woman's part is not so much the rule. Since in every kind of marriage, however, people remain what they were before they married, and since the bourgeois of Protestant countries are mostly philistines, this Protestant monogamy leads merely, if we take the average of the best cases, to a wedded life of leaden boredom, which is described as domestic bliss. The best mirror of these two ways of marriage is the

novel—the French novel for the Catholic style, and the German novel for the Protestant. In both cases "he gets it": in the German novel the young man gets the girl; in the French, the husband gets the cuckold's horns. Which of the two is in the worse plight is not always easy to make out. For the dullness of the German novel excites the same horror in the French bourgeois as the "immorality" of the French novel excites in the German philistine, although lately, since "Berlin is becoming a metropolis," the German novel has begun to deal a little less timidly with hetaerism and adultery, long known to exist there.

In both cases, however, marriage is determined by the class position of the participants, and to that extent always remains marriage of convenience. In both cases, this marriage of convenience often enough turns into the crassest prostitution—sometimes on both sides, but much more generally on the part of the wife, who differs from the ordinary courtesan only in that she does not hire out her body, like a wage-worker, on piecework, but sells it into slavery once for all. And Fourier's words hold good for all marriages of convenience: "Just as in grammar two negatives make a positive, so in the morals of marriage, two prostitutions make one virtue." Sex love in the relation of husband and wife is and can become the rule

only among the oppressed classes, that is, at the present day, among the proletariat, no matter whether this relationship is officially sanctioned or not. But here all the foundations of classical monogamy are removed. Here, there is a complete absence of all property, for the safeguarding and inheritance of which monogamy and male domination were established. Therefore, there is no stimulus whatever here to assert male domination. What is more, the means, too, are absent; bourgeois law, which protects this domination, exists only for the propertied classes and their dealings with the proletarians. It costs money, and therefore, owing to the worker's poverty, has no validity in his attitude towards his wife. Personal and social relations of quite a different sort are the decisive factors here. Moreover, since large-scale industry has transferred the woman from the house to the labour market and the factory, and makes her, often enough, the bread-winner of the family, the last remnants of male domination in the proletarian home have lost all foundation—except, perhaps, for some of that brutality towards women which became firmly rooted with the establishment of monogamy. Thus, the proletarian family is no longer monogamous in the strict sense, even in cases of the most passionate love and strictest faithfulness of the two parties, and despite all spiritual

and worldly benedictions which may have been received. The two eternal adjuncts of monogamy—hetaerism and adultery—therefore, play an almost negligible role here; the woman has regained, in fact, the right of separation, and when the man and woman cannot get along they prefer to part. In short, proletarian marriage is monogamous in the etymological sense of the word, but by no means in the historical sense.

Our jurists, to be sure, hold that the progress of legislation to an increasing degree removes all cause for complaint on the part of the woman. Modern civilized systems of law are recognizing more and more, first, that, in order to be effective, marriage must be an agreement voluntarily entered into by both parties; and secondly, that during marriage, too, both parties must be on an equal footing in respect to rights and obligations. If, however, these two demands were consistently carried into effect, women would have all that they could ask for.

This typical lawyer's reasoning is exactly the same as that with which the radical republican bourgeois dismisses the proletarian. The labour contract is supposed to be voluntarily entered into by both parties. But it is taken to be voluntarily entered into as soon as the law has put both parties on an equal footing *on paper*. The power given to one party by its different class

position, the pressure it exercises on the other—the real economic position of both—all this is no concern of the law. And both parties, again, are supposed to have equal rights for the duration of the labour contract, unless one or the other of the parties expressly waived them. That the concrete economic situation compels the worker to forego even the slightest semblance of equal rights—this again is something the law cannot help.

As far as marriage is concerned, even the most progressive law is fully satisfied as soon as the parties formally register their voluntary desire to get married. What happens behind the legal curtains, where real life is enacted, how this voluntary agreement is arrived at—is no concern of the law and the jurist. And yet the simplest comparison of laws should serve to show the jurist what this voluntary agreement really amounts to. In countries where the children are legally assured of an obligatory share of their parents' property and thus cannot be disinherited—in Germany, in the countries under French law, etc.—the children must obtain their parents' consent in the question of marriage. In countries under English law, where parental consent to marriage is not legally requisite, the parents have full testatory freedom over their property and can, if they so desire, cut their children off with a shilling. It is clear,

therefore, that despite this, or rather just because of this, among those classes which have something to inherit, freedom to marry is not one whit greater in England and America than in France or Germany.

The position is no better with regard to the juridical equality of man and woman in marriage. The inequality of the two before the law, which is a legacy of previous social conditions, is not the cause but the effect of the economic oppression of women. In the old communistic household, which embraced numerous couples and their children, the administration of the household, entrusted to the women, was just as much a public, a socially necessary industry as the providing of food by the men. This situation changed with the patriarchal family, and even more with the monogamous individual family. The administration of the household lost its public character. It was no longer the concern of society. It became a *private service*. The wife became the first domestic servant, pushed out of participation in social production. Only modern large-scale industry again threw open to her—and only to the proletarian woman at that—the avenue to social production; but in such a way that, when she fulfils her duties in the private service of her family, she remains excluded from public production and cannot earn anything; and when she wishes to take part in

public industry and earn her living independently, she is not in a position to fulfil her family duties. What applies to the woman in the factory applies to her in all the professions, right up to medicine and law. The modern individual family is based on the open or disguised domestic enslavement of the woman; and modern society is a mass composed solely of individual families as its molecules. Today, in the great majority of cases, the man has to be the earner, the breadwinner of the family, at least among the propertied classes, and this gives him a dominating position which requires no special legal privileges. In the family, he is the bourgeois; the wife represents the proletariat. In the industrial world, however, the specific character of the economic oppression that weighs down the proletariat stands out in all its sharpness only after all the special legal privileges of the capitalist class have been set aside and the complete juridical equality of both classes is established. The democratic republic does not abolish the antagonism between the two classes; on the contrary, it provides the field on which it is fought out. And, similarly, the peculiar character of man's domination over woman in the modern family, and the necessity, as well as the manner, of establishing real social equality between the two, will be brought out into full relief only when both are completely equal

before the law. It will then become evident that the first premise for the emancipation of women is the re-introduction of the entire female sex into public industry; and that this again demands that the quality possessed by the individual family of being the economic unit of society be abolished.

* * *

We have, then, three chief forms of marriage, which, by and large, conform to the three main stages of human development. For savagery—group marriage; for barbarism—pairing marriage; for civilization—monogamy, supplemented by adultery and prostitution. In the upper stage of barbarism, between pairing marriage and monogamy, there is wedged in the dominion exercised by men over female slaves, and polygamy.

As our whole exposition has shown, the advance to be noted in this sequence is linked with the peculiar fact that while women are more and more deprived of the sexual freedom of group marriage, the men are not. Actually, for men, group marriage exists to this day. What for a woman is a crime entailing dire legal and social consequences, is regarded in the case of a man as being honourable or, at most, as a slight moral stain that one bears with pleasure. The more the old traditional hetaerism is changed in our day by capitalist commodity

production and adapted to it, and the more it is transformed into unconcealed prostitution, the more demoralizing are its effects. And it demoralizes the men far more than it does the women. Among women, prostitution degrades only those unfortunates who fall into its clutches; and even these are not degraded to the degree that is generally believed. On the other hand, it degrades the character of the entire male world. Thus, in nine cases out of ten, a long engagement is practically a preparatory school for conjugal infidelity.

We are now approaching a social revolution in which the hitherto existing economic foundations of monogamy will disappear just as certainly as will those of its supplement—prostitution. Monogamy arose out of the concentration of considerable wealth in the hands of one person—and that a man—and out of the desire to bequeath this wealth to this man's children and to no one else's. For this purpose monogamy was essential on the woman's part, but not on the man's; so that this monogamy of the woman in no way hindered the overt or covert polygamy of the man. The impending social revolution, however, by transforming at least the far greater part of permanent inheritable wealth—the means of production—into social property, will reduce all this anxiety about inheritance to a minimum. Since monogamy arose from eco-

nomic causes, will it disappear when these causes disappear?

One might not unjustly answer: far from disappearing, it will only begin to be completely realized. For with the conversion of the means of production into social property, wage labour, the proletariat, also disappears, and therewith, also, the necessity for a certain—statistically calculable—number of women to surrender themselves for money. Prostitution disappears; monogamy, instead of declining, finally becomes a reality—for the men as well.

At all events, the position of the men thus undergoes considerable change. But that of the women, of *all* women, also undergoes important alteration. With the passage of the means of production into common property, the individual family ceases to be the economic unit of society. Private housekeeping is transformed into a social industry. The care and education of the children becomes a public matter. Society takes care of all children equally, irrespective of whether they are born in wedlock or not. Thus, the anxiety about the "consequences," which is today the most important social factor—both moral and economic—that hinders a girl from giving herself freely to the man she loves, disappears. Will this not be cause enough for a gradual rise of more unrestrained sexual intercourse, and along with it, a more lenient public

opinion regarding virginal honour and feminine shame? And finally, have we not seen that monogamy and prostitution in the modern world, although opposites, are nevertheless inseparable opposites, poles of the same social conditions? Can prostitution disappear without dragging monogamy with it into the abyss?

Here a new factor comes into operation, a factor that, at most, existed in embryo at the time when monogamy developed, namely, individual sex love.

No such thing as individual sex love existed before the Middle Ages. That personal beauty, intimate association, similarity in inclinations, etc., aroused desire for sexual intercourse among people of opposite sexes, that men as well as women were not totally indifferent to the question of with whom they entered into this most intimate relation is obvious. But this is still a far cry from the sex love of our day. Throughout antiquity marriages were arranged by the parents; the parties quietly acquiesced. The little conjugal love that was known to antiquity was not in any way a subjective inclination, but an objective duty; not a reason for but a correlate of marriage. In antiquity, love affairs in the modern sense occur only outside official society. The shepherds, whose joys and sorrows in love are sung by Theocritus and Moschus, or by Longus' *Daphnis and Chloë*, are mere

slaves, who have no share in the state, the sphere of the free citizen. Except among the slaves, however, we find love affairs only as disintegration products of the declining ancient world; and with women who are also beyond the pale of official society, with *hetaerae*, that is, with alien or freed women: in Athens beginning with the eve of its decline, in Rome at the time of the emperors. If love affairs really occurred between free male and female citizens, it was only in the form of adultery. And sex love in our sense of the term was so immaterial to that classical love poet of antiquity, old Anacreon, that even the sex of the beloved one was a matter of complete indifference to him.

Our sex love differs materially from the simple sexual desire, the *eros*, of the ancients. First, it presupposes reciprocal love on the part of the loved one; in this respect, the woman stands on a par with the man; whereas in the ancient *eros*, the woman was by no means always consulted. Secondly, sex love attains a degree of intensity and permanency where the two parties regard non-possession or separation as a great, if not the greatest, misfortune; in order to possess each other they take great hazards, even risking life itself—what in antiquity happened, at best, only in cases of adultery. And finally, a new moral standard arises for judging sexual intercourse. The question asked is not only

whether such intercourse was legitimate or illicit, but also whether it arose from mutual love or not? It goes without saying that in feudal or bourgeois practice this new standard fares no better than all the other moral standards—it is simply ignored. But it fares no worse, either. It is recognized in theory, on paper, like all the rest. And more than this cannot be expected for the present.

Where antiquity broke off with its start towards sex love, the Middle Ages began, namely, with adultery. We have already described chivalrous love, which gave rise to the Songs of the Dawn. There is still a wide gulf between this kind of love, which aimed at breaking up matrimony, and the love destined to be its foundation, a gulf never completely bridged by the age of chivalry. Even when we pass from the frivolous Latins to the virtuous Germans, we find, in the *Nibelungenlied*, that Kriemhild—although secretly in love with Siegfried every whit as much as he is with her—nevertheless, in reply to Gunther's intimation that he has plighted her to a knight whom he does not name, answers simply: "You have no need to ask; as you command, so will I be forever. He whom you, my lord, choose for my husband, to him will I gladly plight my troth." It never even occurs to her that her love could possibly be considered in this matter. Gunther seeks the

hand of Brunhild without ever having seen her, and Etzel does the same with Kriemhild. The same occurs in the *Gudrun*, where Sigebant of Ireland seeks the hand of Ute the Norwegian, Hetel of Hegelingen that of Hilde of Ireland; and lastly, Siegfried of Morland, Hartmut of Ormany and Herwig of Seeland seek the hand of Gudrun; and here for the first time it happens that Gudrun, of her own free will, decides in favour of the last named. As a rule, the bride of a young prince is selected by his parents; if these are no longer alive, he chooses her himself with the counsel of his highest vassal chiefs, whose word carries great weight in all cases. Nor can it be otherwise. For the knight, or baron, just as for the prince himself, marriage is a political act, an opportunity for the accession of power through new alliances; the interests of the *House* and not individual inclinations are the decisive factor. How can love here hope to have the last word regarding marriage?

It was the same for the guildsman of the medieval towns. The very privileges which protected him—the guild charters with their special stipulations, the artificial lines of demarcation which legally separated him from other guilds, from his own fellow guildsmen and from his journeymen and apprentices—considerably restricted the circle in which he could hope to se-

cure a suitable spouse. And the question as to who was the most suitable was definitely decided under this complicated system, not by individual inclination, but by family interest.

Up to the end of the Middle Ages, therefore, marriage, in the overwhelming majority of cases, remained what it had been from the commencement, an affair that was not decided by the two principal parties. In the beginning one came into the world married, married to a whole group of the opposite sex. A similar relation probably existed in the later forms of group marriage, only with an ever-increasing narrowing of the group. In the pairing family it is the rule that the mothers arrange their children's marriages; and here also, considerations of new ties of relationship that are to strengthen the young couple's position in the gens and tribe are the decisive factor. And when, with the predominance of private property over common property, and with the interest in inheritance, father right and monogamy gain the ascendancy, marriage becomes more than ever dependent on economic considerations. The *form* of marriage by purchase disappears, the transaction itself is to an ever-increasing degree carried out in such a way that not only the woman but the man also is appraised, not by his personal qualities but by his possessions. The idea that the mutual inclinations of the principal parties

should be the overriding reason for matrimony had been unheard of in the practice of the ruling classes from the very beginning. Such things took place, at best, in romance only, or—among the oppressed classes, which did not count.

This was the situation found by capitalist production when, following the era of geographical discoveries, it set out to conquer the world through world trade and manufacture. One would think that this mode of matrimony should have suited it exceedingly, and such was actually the case. And yet—the irony of world history is unfathomable—it was capitalist production that had to make the decisive breach in it. By transforming all things into commodities, it dissolved all ancient traditional relations, and for inherited customs and historical rights it substituted purchase and sale, "free" contract. And H. S. Maine, the English jurist, believed that he made a colossal discovery when he said that our entire progress in comparison with previous epochs consists in our having evolved from status to contract, from an inherited state of affairs to one voluntarily contracted—a statement which, in so far as it is correct, was contained long ago in the *Communist Manifesto*.

But the closing of contracts presupposes people who can freely dispose of their persons, actions and possessions, and who meet each other on equal terms. To create such "free" and

"equal" people was precisely one of the chief tasks of capitalist production. Although in the beginning this took place only in a semi-conscious manner, and in religious guise to boot, nevertheless, from the time of the Lutheran and Calvinistic Reformation it became a firm principle that a person was completely responsible for his actions only if he possessed full freedom of the will when performing them, and that it was an ethical duty to resist all compulsion to commit unethical acts. But how does this fit in with the previous practice of matrimony? According to bourgeois conceptions, matrimony was a contract, a legal affair, indeed the most important of all, since it disposed of the body and mind of two persons for life. True enough, formally the bargain was struck voluntarily; it was not done without the consent of the parties; but how this consent was obtained, and who really arranged the marriage, was known only too well. But if real freedom to decide was demanded for all other contracts, why not for this one? Had not the two young people about to be paired the right freely to dispose of themselves, their body and its organs? Did not sex love become the fashion as a consequence of chivalry, and was not the love of husband and wife its correct bourgeois form, as against the adulterous love of the knights? But if it was the duty of married people to love each other, was

it not just as much the duty of lovers to marry each other and nobody else? And did not the right of these lovers stand higher than that of parents, relatives and other traditional marriage brokers and match-makers? If the right of free personal investigation unceremoniously forced its way into church and religion, how could it halt at the intolerable claim of the older generation to dispose of body and soul, the property, the happiness and unhappiness of the younger generation?

These questions were bound to arise in a period which loosened all the old social ties and which shook the foundations of all traditional conceptions. At one stroke the size of the world had increased nearly tenfold. Instead of only a quadrant of a hemisphere the whole globe was now open to the gaze of the West Europeans who hastened to take possession of the other seven quadrants. And the thousand-year-old barriers set up by the medieval prescribed mode of thought vanished in the same way as did the old, narrow barriers of the homeland. An infinitely wider horizon opened up both to man's outer and inner eye. Of what avail were the good intentions of respectability, the honoured guild privileges handed down through the generations, to the young man who was allured by India's riches, by the gold and silver mines of Mexico and Potosi? It was the knight-errant

period of the bourgeoisie; it had its romance also, and its love dreams, but on a bourgeois basis and, in the last analysis, with bourgeois ends in view.

Thus it happened that the rising bourgeoisie, particularly in the Protestant countries, where the existing order was shaken up most of all, increasingly recognized freedom of contract for marriage also and carried it through in the manner described above. Marriage remained class marriage, but, within the confines of the class, the parties were accorded a certain degree of freedom of choice. And on paper, in moral theory as in poetic description, nothing was more unshakably established than that every marriage not based on mutual sex love and on the really free agreement of man and wife was immoral. In short, love marriage was proclaimed a human right; not only as man's right (*droit de l'homme*) but also, by way of exception, as woman's right (*droit de la femme*).

But in one respect this human right differed from all other so-called human rights. While, in practice, the latter remained limited to the ruling class, the bourgeoisie—the oppressed class, the proletariat, being directly or indirectly deprived of them—the irony of history asserts itself here once again. The ruling class continues to be dominated by the familiar economic influences and, therefore, only in exceptional

cases can it show really voluntary marriages; whereas, as we have seen, these are the rule among the dominated class.

Thus, full freedom in marriage can become generally operative only when the abolition of capitalist production, and of the property relations created by it, has removed all those secondary economic considerations which still exert so powerful an influence on the choice of a partner. Then, no other motive remains than mutual affection.

Since sex love is by its very nature exclusive—although this exclusiveness is fully realized today only in the woman—then marriage based on sex love is by its very nature monogamy. We have seen how right Bachofen was when he regarded the advance from group marriage to individual marriage chiefly as the work of the women; only the advance from pairing marriage to monogamy can be placed to the men's account, and, historically, this consisted essentially in a worsening of the position of women and in facilitating infidelity on the part of the men. With the disappearance of the economic considerations which compelled women to tolerate the customary infidelity of the men—the anxiety about their own livelihood and even more about the future of their children—the equality of woman thus achieved will, judging from all previous experience, result far more effectively

in the men becoming really monogamous than in the women becoming polyandrous.

What will most definitely disappear from monogamy, however, is all the characteristics stamped on it in consequence of its having arisen out of property relationships. These are, first, the dominance of the man, and secondly, the indissolubility of marriage. The predominance of the man in marriage is simply a consequence of his economic predominance and will vanish with it automatically. The indissolubility of marriage is partly the result of the economic conditions under which monogamy arose, and partly a tradition from the time when the connection between these economic conditions and monogamy was not yet correctly understood and was exaggerated by religion. Today it has been breached a thousandfold. If only marriages that are based on love are moral, then, also, only those are moral in which love continues. The duration of the urge of individual sex love differs very much according to the individual, particularly among men; and a definite cessation of affection, or its displacement by a new passionate love, makes separation a blessing for both parties as well as for society. People will only be spared the experience of wading through the useless mire of divorce proceedings.

Thus, what we can conjecture at present about the regulation of sex relationships after

the impending effacement of capitalist production is, in the main, of a negative character, limited mostly to what will vanish. But what will be added? That will be settled after a new generation has grown up: a generation of men who never in all their lives have had occasion to purchase a woman's surrender either with money or with any other means of social power, and of women who have never been obliged to surrender to any man out of any consideration other than that of real love, or to refrain from giving themselves to their beloved for fear of the economic consequences. Once such people appear, they will not care a rap about what we today think they should do. They will establish their own practice and their own public opinion, conformable therewith, on the practice of each individual—and that's the end of it.

In the meantime, let us return to Morgan, from whom we have strayed quite considerably. The historical investigation of the social institutions which developed during the period of civilization lies outside the scope of his book. Consequently, he concerns himself only briefly with the fate of monogamy during this period. He, too, regards the development of the monogamous family as an advance, as an approximation to the complete equality of the sexes, without, however, considering that this goal has been reached. But, he says, "when the fact is

accepted that the family has passed through four successive forms, and is now in a fifth, the question at once arises whether this form can be permanent in the future. The only answer that can be given is that it must advance as society advances, and change as society changes, even as it has done in the past. It is the creation of the social system, and will reflect its culture. As the monogamous family has improved greatly since the commencement of civilization, and very sensibly in modern times, it is at least supposable that it is capable of still further improvement until the equality of the sexes is attained. Should the monogamous family in the distant future fail to answer the requirements of society it is impossible to predict the nature of its successor."

III

THE IROQUOIS GENS

We now come to a further discovery of Morgan's, which is at least as important as the reconstruction of the primitive form of the family out of the systems of consanguinity. The demonstration of the fact that the bodies of *consanguinei* within the American-Indian tribe, designated by the names of animals, are in essence identical with the *genea* of the Greeks and the *gentes* of the Romans; that the American was

the original form of the gens and the Greek and Roman the later, derivative form; that the entire social organization of the Greeks and Romans of primitive times in gens, phratry and tribe finds its faithful parallel in that of the American Indians; that (as far as our present sources of information go) the gens is an institution common to all barbarians up to their entry into civilization, and even afterwards—this demonstration cleared up at one stroke the most difficult parts of the earliest Greek and Roman history. At the same time it has thrown unexpected light on the fundamental features of the social constitution of primitive times—before the introduction of the *state*. Simple as this may seem when one knows it—nevertheless, Morgan discovered it only very recently. In his previous work, published in 1871, he had not yet hit upon the secret, the discovery of which since reduced for a time the usually so confident English prehistorians to a mouse-like silence.

The Latin word *gens*, which Morgan employs as a general designation for this body of *consanguinei*, is, like its Greek equivalent, *genos*, derived from the common Aryan root *gan* (in German, where the Aryan *g* is, according to rule, replaced by *k*, it is *kan*), which means to beget. *Gens*, *genos*, the Sanscrit *janas*, the Gothic *kuni* (in accordance with the above-mentioned

rule), the ancient Nordic and Anglo-Saxon *kyn*, the English *kin*, the Middle High German *künne*, all equally signify kinship, descent. However, *gens* in the Latin and *genos* in the Greek are specially used for those bodies of *consanguinei* which boast a common descent (in this case from a common male ancestor) and which, through certain social and religious institutions, are linked together into a special community, whose origin and nature had hitherto, nevertheless, remained obscure to all our historians.

We have already seen above, in connection with the punaluan family, how a gens in its original form is constituted. It consists of all persons who, by virtue of punaluan marriage and in accordance with the conceptions necessarily predominating therein, constitute the recognized descendants of a definite individual ancestress, the founder of the gens. Since paternity is uncertain in this form of the family, female lineage alone is valid. Since the brothers may not marry their sisters, but only women of different descent, the children born of such women fall, according to mother right, outside the gens. Thus, only the offspring of the *daughters* of each generation remain in the kinship group, while the offspring of the sons go over into the gentes of their mothers. What, then, becomes of this consanguine group once it con-

stitutes itself as a separate group, as against similar groups within the tribe?

Morgan takes the gens of the Iroquois, particularly that of the Seneca tribe, as the classical form of the original gens. They have eight gentes, named after the following animals: 1) Wolf; 2) Bear; 3) Turtle; 4) Beaver; 5) Deer; 6) Snipe; 7) Heron; 8) Hawk. The following usages prevail in each gens:

1. It elects its sachem (headman in times of peace) and its chief (leader in war). The sachem had to be elected from within the gens itself and his office was hereditary in the gens, in the sense that it had to be immediately filled whenever a vacancy occurred. The war chief could be elected also outside the gens and the office could at times remain vacant. The son of the previous sachem never succeeded to the office, since mother right prevailed among the Iroquois, and the son, therefore, belonged to a different gens. The brother or the sister's son, however, was often elected. All voted at the election—both men and women. The choice, however, had to be confirmed by the remaining seven gentes and only then was the elected person ceremonially installed, this being carried out by the general council of the entire Iroquois Confederacy. The significance of this will be seen later. The sachem's authority within the gens was of a paternal and purely moral char-

acter. He had no means of coercion at his command. He was by virtue of his office a member also of the tribal council of the Senecas, as well as of the Council of the Confederacy of all the Iroquois. The war chief could give orders only in military expeditions.

2. The gens can depose the sachem and war chief at will. This again is carried through jointly by the men and women. Thereafter, the deposed rank as simple warriors and private persons like the rest. The council of the tribe can also depose the sachems, even against the wishes of the gens.

3. No member is permitted to marry within the gens. This is the fundamental rule of the gens, the bond which keeps it together; it is the negative expression of the very positive blood relationship by virtue of which the individuals associated in it really become a gens. By the discovery of this simple fact Morgan, for the first time, revealed the nature of the gens. How little the gens had been understood until then is proved by the earlier reports concerning savages and barbarians, in which the various bodies constituting the gentile organization are ignorantly and indiscriminately referred to as tribe, clan, thum, etc.; and regarding these it is sometimes asserted that marriage within any such body is prohibited. This gave rise to the hopeless confusion in which Mr. McLennan

could intervene as a Napoleon, creating order by his fiat: All tribes are divided into those within which marriage is forbidden (exogamous) and those within which it is permitted (endogamous). And after having thus thoroughly muddled matters he could indulge in most profound investigations as to which of his two absurd classes was the older, exogamy or endogamy. This nonsense ceased automatically with the discovery of the gens based on blood relationship and the consequent impossibility of marriage between its members. Obviously, at the stage at which we find the Iroquois, the rule forbidding marriage within the gens is inflexibly adhered to.

4. The property of deceased persons was distributed among the remaining members of the gens—it had to remain in the gens. In view of the insignificance of the effects which an Iroquois could leave, the heritage was divided among the nearest relatives in the gens; when a man died, among his natural brothers and sisters and his maternal uncle; when a woman died, then among her children and natural sisters, but not her brothers. That is precisely the reason why it was impossible for man and wife to inherit from each other, and why children could not inherit from their father.

5. The members of the gens were bound to give one another assistance, protection and par-

ticularly support in avenging injuries inflicted by outsiders. The individual depended and could depend for his security on the protection of the gens. Whoever injured him injured the whole gens. From this—the blood ties of the gens—arose the obligation of blood revenge, which was unconditionally recognized by the Iroquois. If a non-member of a gens slew a member of the gens the whole gens to which the slain person belonged was pledged to blood revenge. First mediation was tried. A council of the slayer's gens was held and propositions were made to the council of the victim's gens for a composition of the matter—mostly in the form of expressions of regret and presents of considerable value. If these were accepted, the affair was settled. If not, the injured gens appointed one or more avengers, whose duty it was to pursue and slay the murderer. If this was accomplished the gens of the latter had no right to complain; the matter was regarded as adjusted.

6. The gens has definite names or series of names which it alone, in the whole tribe, is entitled to use, so that an individual's name also indicates the gens to which he belongs. A gentile name carries gentile rights with it as a matter of course.

7. The gens can adopt strangers and thereby admit them into the tribe as a whole. Prisoners of war that were not slain became members of

the Seneca tribe by adoption into a gens and thereby obtained the full tribal and gentile rights. The adoption took place at the request of individual members of the gens—men placed the stranger in the relation of a brother or sister, women in that of a child. For confirmation, ceremonial acceptance into the gens was necessary. Gentes exceptionally shrunk in numbers were often replenished by mass adoption from another gens, with the latter's consent. Among the Iroquois, the ceremony of adoption into the gens was performed at a public meeting of the council of the tribe, which turned it practically into a religious ceremony.

8. It would be difficult to prove special religious rites among the Indian gentes—and yet the religious ceremonies of the Indians are more or less connected with the gentes. Among the Iroquois, at their six annual religious ceremonies, the sachems and war chiefs of the individual gentes were reckoned among the "Keepers of the Faith" *ex officio* and exercised priestly functions.

9. The gens has a common burial place. That of the Iroquois of New York State, who have been hemmed in by the whites, has now disappeared, but it formerly existed. It still survives amongst other Indian tribes, as, for instance, amongst the Tuscaroras, a tribe closely related to the Iroquois, who, although Christian, still

retain in their cemetery a special row for each gens, so that the mother is buried in the same row as her children, but not the father. And among the Iroquois also, all the members of the gens are mourners at the funeral, prepare the grave, deliver funeral orations and so forth.

10. The gens has a council, the democratic assembly of all adult male and female members of the gens, all with equal voice. This council elected and deposed the sachems and war chiefs and, likewise, the remaining "Keepers of the Faith." It decided about penance gifts (*wergeld*) or blood revenge for murdered gentiles. It adopted strangers into the gens. In short, it was the sovereign power in the gens.

These are the powers of a typical Indian gens. "All the members of an Iroquois gens were personally free, and they were bound to defend each other's freedom; they were equal in privileges and in personal rights, the sachem and chiefs claiming no superiority; and they were a brotherhood bound together by the ties of kin. Liberty, equality, and fraternity, though never formulated, were cardinal principles of the gens. The gens was the unit of a social system, the foundation upon which Indian society was organized. [This] serves to explain that sense of independence and personal dignity universally an attribute of Indian character."

At the time of their discovery the Indians in

all North America were organized in gentes in accordance with mother right. Only in a few tribes, as amongst the Dakotas, the gentes had fallen into decay, while in some others, such as the Ojibwas and Omahas, they were organized in accordance with father right.

Among numerous Indian tribes having more than five or six gentes, we find three, four and more gentes united in a special group which Morgan—faithfully translating the Indian term by its Greek counterpart—calls the phratry (brotherhood). Thus, the Senecas have two phratries, the first embracing the gentes 1 to 4, and the second the gentes 5 to 8. Closer investigation shows that these phratries, in the main, represent those original gentes into which the tribe split at the outset; for with the prohibition of marriage within the gens, each tribe had necessarily to consist of at least two gentes in order to be capable of independent existence. As the tribe increased, each gens again subdivided into two or more gentes, each of which now appears as a separate gens, while the original gens, which embraces all the daughter gentes, lives on as the phratry. Among the Senecas and most other Indian tribes, the gentes in one phratry are brother gentes, while those in others are their cousin gentes—designations which, as we have seen, have a very real and expressive significance in the American system

of consanguinity. Originally, indeed, no Seneca could marry within his phratry; but this prohibition has long since lapsed and is limited only to the gens. The Senecas had a tradition that the Bear and the Deer were the two original gentes, of which the others were offshoots. Once this new institution had become firmly rooted, it was modified according to need. In order to maintain equilibrium, whole gentes out of other phratries were occasionally transferred to those in which gentes had died out. This explains why we find gentes of the same name variously grouped among the phratries in different tribes.

Among the Iroquois the functions of the phratry are partly social and partly religious. 1) The ball game is played by phratries, one against the other; each phratry puts forward its best players, the remaining members of the phratry being spectators arranged according to phratry, who bet against each other on the success of their respective sides. 2) At the council of the tribe the sachems and war chiefs of each phratry sit together, the two groups facing each other, and each speaker addresses the representatives of each phratry as a separate body. 3) If a murder was committed in the tribe and the victim and the slayer did not belong to the same phratry, the aggrieved gens often appealed to its brother gentes; these held a phratry

council and addressed themselves to the other phratry, as a body, asking it also to summon a council for the adjustment of the matter. Here again the phratry appears as the original gens and with greater prospects of success than the weaker individual gens, its offspring. 4) On the death of persons of consequence, the opposite phratry undertook the arrangement of the funeral and the burial rites, while the phratry of the deceased went along as mourners. If a sachem died the opposite phratry notified the federal council of the Iroquois of the vacancy in the office. 5) The council of the phratry again appeared on the scene at the election of a sachem. Confirmation by the brother gentes was regarded as rather a matter of course, but the gentes of the other phratry might be opposed. In such a case the council of this phratry met and, if it upheld the opposition, the election was null and void. 6) Formerly, the Iroquois had special religious mysteries, which white men called "medicine lodges." Among the Senecas these were celebrated by two religious fraternities, one for each phratry, with a regular initiation ritual for new members. 7) If, as is almost certain, the four lineages (kinship groups) that occupied the four quarters of Tlascalá at the time of the Conquest were four phratries, this proves that the phratries, as among the Greeks, and similar bodies of *consanguinei*

among the Germans, served also as military units. These four lineages went into battle, each one as a separate host, with its own uniform and flag, and a leader of its own.

Just as several gentes constitute a phratry, so, in the classical form, several phratries constitute a tribe. In many cases the middle link, the phratry, is missing among greatly weakened tribes. What are the distinctive features of the Indian tribe in America?

1. The possession of its own territory and its own name. In addition to the area of actual settlement, each tribe possessed considerable territory for hunting and fishing. Beyond this there was a wide stretch of neutral land reaching to the territory of the next tribe; the extent of this neutral territory was relatively small where the languages of the two tribes were related, and large where not. Such neutral ground was the border forest of the Germans, the wasteland which Caesar's Suevi created around their territory, the *isarnholt* (Danish *jarnved, limes Danicus*) between the Danes and the Germans, the Saxon forest and the *branibor* (defence forest in Slavic)—from which Brandenburg derives its name—between Germans and Slavs. The territory thus marked out by imperfectly defined boundaries was the common land of the tribe, recognized as such by neighbouring tribes, and defended by the tribe against any encroach-

ment. In most cases, the uncertainty of the boundaries became a practical inconvenience only when the population had greatly increased. The tribal names appear to have been the result more of accident than of deliberate choice. As time passed it frequently happened that neighbouring tribes designated a tribe by a name different from that which it itself used, like the case of the Germans [*die Deutschen*], whose first comprehensive historical name—*Germani* [*Germanen*]—was bestowed on them by the Celts.

2. A special *dialect* peculiar to this tribe only. In fact, tribe and dialect are substantially coextensive. The establishment of new tribes and dialects through subdivision was in progress in America until quite recently, and can hardly have ceased altogether even now. Where two weakened tribes have amalgamated into one, it happens, by way of exception, that two closely related dialects are spoken in the same tribe. The average strength of American tribes is under 2,000. The Cherokees, however, are nearly 26,000 strong—being the largest number of Indians in the United States that speak the same dialect.

3. The right of investing the sachems and war chiefs elected by the gentes, and

4. The right to depose them again, even against the wishes of their gens. As these sachems

and war chiefs are members of the tribal council, these rights of the tribe in relation to them are self-explanatory. Wherever a confederacy of tribes was established and all the tribes were represented in a federal council, the above rights were transferred to this latter body.

5. The possession of common religious ideas (mythology) and rites of worship. "After the fashion of barbarians the American Indians were a religious people." Their mythology has not yet been critically investigated by any means. They already personified their religious ideas—spirits of all kinds—but in the lower stage of barbarism in which they lived there was as yet no plastic representation, no so-called idols. It is a nature and element worship evolving towards polytheism. The various tribes had their regular festivals with definite forms of worship, particularly dancing and games. Dancing especially was an essential part of all religious ceremonies, each tribe performing its own separately.

6. A tribal council for common affairs. It consisted of all the sachems and war chiefs of the individual gentes—the real representatives of the latter, because they could always be deposed. The council sat in public, surrounded by the other members of the tribe, who had the right to join in the discussion and to secure a hearing

for their opinions, and the council made the decision. As a rule it was open to everyone present to address the council; even the women could express their views through a spokesman of their own choice. Among the Iroquois the final decisions had to be adopted unanimously, as was also the case with many of the decisions of the German mark communities. In particular, the regulation of relations with other tribes devolved upon the tribal council. It received and sent embassies, it declared war and concluded peace. When war broke out it was carried on mainly by volunteers. In principle each tribe was in a state of war with every other tribe with which it had not expressly concluded a treaty of peace. Military expeditions against such enemies were for the most part organized by a few outstanding warriors. They gave a war dance; whoever joined in the dance thereby declared his intention to participate in the expedition. A detachment was immediately formed and it set out forthwith. When the tribal territory was attacked, its defence was in the same manner conducted mainly by volunteers. The departure and return of such detachments were always made the occasion for public festivities. The sanction of the tribal council for such expeditions was not necessary. It was neither sought nor given. They were exactly like the private war expeditions of the German retain-

ers, as Tacitus has described them, except that among the Germans the body of retainers had already assumed a more permanent character, and constituted a strong nucleus, organized in times of peace, around which the remaining volunteers grouped themselves in the event of war. Such military detachments were seldom numerically strong. The most important expeditions of the Indians, even those covering great distances, were carried through by insignificant fighting forces. When several such retinues gathered for an important engagement, each group obeyed its own leader only. The unity of the plan of campaign was ensured, more or less, by a council of these leaders. It was the method of war adopted by the Alamanni of the Upper Rhine in the fourth century, as described by Ammianus Marcellinus.

7. In some tribes we find a head-chief [*Oberhäuptling*], whose powers, however, are very slight. He is one of the sachems, who in cases demanding speedy action has to take provisional measures until such time as the council can assemble and make the final decision. This is a feeble but, as further development showed, generally fruitless inchoate attempt to create an official with executive authority; actually, as will be seen, it was the highest military commander [*oberster Heerführer*] who, in most cases, if not in all, developed into such an official.

The great majority of American Indians never got beyond the stage of tribal integration. Constituting numerically small tribes, separated from one another by wide border-lands, and enfeebled by perpetual warfare, they occupied an enormous territory with but few people. Alliances arising out of temporary emergencies were concluded here and there between kindred tribes and dissolved again with the passing of the emergency. But in certain areas originally kindred but subsequently disunited tribes reunited in lasting confederacies, and so took the first step towards the formation of nations. In the United States we find the most advanced form of such a confederacy among the Iroquois. Emigrating from their original home west of the Mississippi, where they probably constituted a branch of the great Dakota family, they settled down after protracted wanderings in what is today the State of New York. They were divided into five tribes: Senecas, Cayugas, Onondagas, Oneidas and Mohawks. Subsisting on fish, game and the produce of a crude horticulture, they lived in villages protected mostly by palisades. Never more than 20,000 strong, they had a number of gentes common to all the five tribes; they spoke closely related dialects of the same language and occupied a continuous tract of territory that was divided among the five tribes. Since this area had been newly conquered,

habitual co-operation among these tribes against those they displaced was only natural. At the beginning of the fifteenth century at the latest, this developed into a regular "permanent league," a confederacy, which, conscious of its new-found strength, immediately assumed an aggressive character and at the height of its power—about 1675—had conquered large stretches of the surrounding country, expelling some of the inhabitants and forcing others to pay tribute. The Iroquois Confederacy was the most advanced social organization attained by the Indians who had not emerged from the lower stage of barbarism (that is, excepting the Mexicans, New Mexicans and Peruvians). The fundamental features of the Confederacy were as follows:

1. Perpetual alliance of the five consanguine tribes on the basis of complete equality and independence in all internal tribal affairs. This blood relationship constituted the true basis of the Confederacy. Of the five tribes, three were called the father tribes and were brothers one to another; the other two were called son tribes and were likewise brother tribes to each other. Three gentes—the oldest—still had living representatives in all the five tribes, while another three had in three tribes. The members of each of these gentes were all brothers throughout the five tribes. The common language, with mere

dialectal differences, was the expression and the proof of common descent.

2. The organ of the Confederacy was a Federal Council comprised of fifty sachems, all of equal rank and dignity; this Council passed finally on all matters pertaining to the Confederacy.

3. At the time the Confederacy was constituted these fifty sachems were distributed among the tribes and gentes as the bearers of new offices, especially created to suit the aims of the Confederacy. They were elected anew by the gentes concerned whenever a vacancy arose, and could always be removed by them. The right to invest them with office belonged, however, to the Federal Council.

4. These federal sachems were also sachems in their own respective tribes, and each had a seat and a vote in the tribal council.

5. All decisions of the Federal Council had to be unanimous.

6. Voting was by tribes, so that each tribe and all the council members in each tribe had to agree before a binding decision could be made.

7. Each of the five tribal councils could convene the Federal Council, but the latter had no power to convene itself.

8. Its meetings took place before the assembled people. Every Iroquois had the right to speak; the council alone decided.

9. The Confederacy had no official head, no chief executive.

10. It did, however, have two supreme war chiefs, enjoying equal authority and equal power (the two "kings" of the Spartans, the two consuls in Rome).

This was the whole social constitution under which the Iroquois lived for over four hundred years, and still do live. I have given Morgan's account of it in some detail because it gives us the opportunity of studying the organization of a society which as yet knows no *state*. The state presupposes a special public authority separated from the totality of those concerned in each case; and Maurer with true instinct recognizes the German mark constitution as *per se* a purely social institution differing essentially from the state, although it largely served as its foundation later on. In all his writings, therefore, Maurer investigates the gradual rise of public authority out of and side by side with the original constitutions of the marks, villages, manors and towns. The North American Indians show how an originally united tribe gradually spread over an immense continent; how tribes, through fission, became peoples, whole groups of tribes; how the languages changed not only until they became mutually unintelligible, but until nearly every trace of original unity disappeared; and how at the same time individual gentes within

the tribes broke up into several; how the old mother gentes persisted as phratries, and the names of these oldest gentes still remain the same among widely remote and long-separated tribes—the Wolf and the Bear are still gentile names among a majority of Indian tribes. Generally speaking, the constitution described above applies to them all—except that many of them did not get as far as a confederation of kindred tribes.

But we also see that once the gens as a social unit was given, the entire system of gentes, phratries and tribe developed with almost compelling necessity—because naturally—out of this unit. All three are groups of various degrees of consanguinity, each complete in itself and managing its own affairs, but each also supplementing the rest. And the sphere of affairs devolving on them comprised the totality of the public affairs of the barbarians in the lower stage. Wherever, therefore, we discover the gens as the social unit of a people, we may look for an organization of the tribe similar to that described above; and where sufficient sources are available, as, for example, amongst the Greeks and the Romans, we shall not only find them, but we shall also convince ourselves that, where the sources fail us, a comparison with the American social constitution will help us out of the most difficult doubts and enigmas.

And this gentile constitution is wonderful in all its childlike simplicity! Everything runs smoothly without soldiers, gendarmes or police; without nobles, kings, governors, prefects or judges; without prisons; without trials. All quarrels and disputes are settled by the whole body of those concerned—the gens or the tribe or the individual gentes among themselves. Blood revenge threatens only as an extreme or rarely applied measure, of which our capital punishment is only the civilized form, possessed of all the advantages and drawbacks of civilization. Although there are many more affairs in common than at present—the household is run in common and communistically by a number of families, the land is tribal property, only the small gardens being temporarily assigned to the households—still, not a bit of our extensive and complicated machinery of administration is required. Those concerned decide, and in most cases century-old custom has already regulated everything. There can be no poor and needy—the communistic household and the gens know their obligations towards the aged, the sick and those disabled in war. All are free and equal—including the women. There is as yet no room for slaves, nor, as a rule, for the subjugation of alien tribes. When the Iroquois conquered the Eries and the "Neutral Nations" about the year 1651, they invited them to join the Confederacy

as equal members; only when the vanquished refused were they driven out of their territory. And the kind of men and women that are produced by such a society is indicated by the admiration felt by all white men who came into contact with uncorrupted Indians, admiration of the personal dignity, straightforwardness, strength of character and bravery of these barbarians.

We have witnessed quite recently examples of this bravery in Africa. The Zulu Kaffirs a few years ago, like the Nubians a couple of months ago[1]—in both of which tribes gentile institutions have not yet died out—did what no European army can do. Armed only with pikes and spears and without firearms, they advanced, under a hail of bullets from the breechloaders, right up to the bayonets of the English infantry—acknowledged as the best in the world for fighting in close formation—throwing them into disorder and even beating them back more than once; and this, despite the colossal disparity in arms and despite the fact that they have no such thing as military service, and do not know what military exercises are. Their capacity and endurance are best proved by the complaint of the English that a Kaffir can move

[1] The reference is to the war between the British and the Zulus in 1879 and between the British and the Nubians in 1883.—*Ed.*

faster and cover a longer distance in twenty-four hours than a horse. As an English painter says, their smallest muscle stands out, hard and steely, like whipcord.

This is what mankind and human society were like before class divisions arose. And if we compare their condition with that of the overwhelming majority of civilized people today, we will find an enormous gulf between the present-day proletarian and small peasant and the ancient free member of a gens.

This is one side of the picture. Let us not forget, however, that this organization was doomed to extinction. It never developed beyond the tribe; the confederacy of tribes already signified the commencement of its downfall, as we shall see later, and as the attempts of the Iroquois to subjugate others have shown. What was outside the tribe was outside the law. Where no express treaty of peace existed, war raged between tribe and tribe; and war was waged with the cruelty that distinguishes man from all other animals and which was abated only later in self-interest. The gentile constitution in full bloom, as we have seen it in America, presupposed an extremely undeveloped form of production, that is, an extremely sparse population spread over a wide territory, and therefore the almost complete domination of man by external nature, alien, opposed, incom-

prehensible to him, a domination reflected in his childish religious ideas. The tribe remained the boundary for man, in relation to himself as well as to outsiders: the tribe, the gens and their institutions were sacred and inviolable, a superior power, instituted by nature, to which the individual remained absolutely subject in feeling, thought and deed. Impressive as the people of this epoch may appear to us, they differ in no way one from another, they are still bound, as Marx says, to the umbilical cord of the primordial community. The power of these primordial communities had to be broken and it was broken. But it was broken by influences which from the outset appear to us as a degradation, a fall from the simple moral grandeur of the ancient gentile society. The lowest interests—base greed, brutal sensuality, sordid avarice, selfish plunder of common possessions—usher in the new, civilized society, class society; the most outrageous means—theft, rape, deceit and treachery—undermine and topple the old, classless, gentile society. And the new society, during all the 2,500 years of its existence, has never been anything but the development of the small minority at the expense of the exploited and oppressed great majority; and it is so today more than ever before.

IV
THE GRECIAN GENS

Greeks as well as Pelasgians and other peoples of the same tribal origin were constituted since prehistoric times in the same organic series as the Americans: gens, phratry, tribe, confederacy of tribes. The phratry might be missing, as, for example, among the Dorians; the confederacy of tribes might not be fully developed yet in every case; but the gens was everywhere the unit. At the time the Greeks entered into history, they were on the threshold of civilization. Almost two entire great periods of development lie between the Greeks and the above-mentioned American tribes, the Greeks of the Heroic Age being by so much ahead of the Iroquois. For this reason the Grecian gens no longer bore the archaic character of the Iroquois gens; the stamp of group marriage was becoming considerably blurred. Mother right had given way to father right; thereby rising private wealth made the first breach in the gentile constitution. A second breach naturally followed the first: after the introduction of father right, the fortune of a wealthy heiress would, by virtue of her marriage, fall to her husband, that is to say, to another gens; and so the foundation of all gentile law was broken, and in such cases the girl was not only permitted, but

obliged to marry within the gens, in order that the latter might retain the fortune.

According to Grote's *History of Greece*, the Athenian gens in particular was held together by:

1. Common religious ceremonies, and exclusive privilege of the priesthood in honour of a definite god, supposed to be the primitive ancestor of the gens, and characterized in this capacity by a special surname.

2. A common burial place. (Compare Demosthenes' *Eubulides*.)

3. Mutual rights of inheritance.

4. Reciprocal obligation to afford help, defence and support against the use of force.

5. Mutual right and obligation to marry in the gens in certain cases, especially for orphaned daughters or heiresses.

6. Possession, in some cases at least, of common property, and of an archon (magistrate) and treasurer of its own.

The phratry, binding together several gentes, was less intimate, but here too we find mutual rights and duties of similar character, especially a communion of particular religious rites and the right of prosecution in the event of a phrator being slain. Again, all the phratries of a tribe performed periodically certain common sacred ceremonies under the presidency of a magistrate called the *phylobasileus* (tribal ma-

gistrate) selected from among the nobles (*eupatrides*).

Thus Grote—and Marx adds: "In the Grecian gens the savage (for example, the Iroquois) is unmistakably discerned." He becomes still more unmistakable when we investigate somewhat further.

For the Grecian gens has also the following attributes:

7. Descent according to father right.

8. Prohibition of intermarrying in the gens except in the case of heiresses. This exception and its formulation as an injunction clearly proves the validity of the old rule. This follows also from the universally accepted rule that when a woman married she renounced the religious rites of her gens and acquired those of the gens of her husband, in whose phratry she was enrolled. This, and a famous passage in Dicaearchus, go to prove that marriage outside of the gens was the rule. Becker in *Charicles* directly assumes that nobody was permitted to marry in his or her own gens.

9. The right of adoption into the gens; it was practised by adoption into the family, but with public formalities, and only in exceptional cases.

10. The right to elect and depose the chiefs. We know that every gens had its archon; but nowhere is it stated that this office was heredi-

tary in certain families. Until the end of barbarism, the probability is always against strict heredity, which would be totally incompatible with conditions where rich and poor had absolutely equal rights in the gens.

Not only Grote, but also Niebuhr, Mommsen and all other previous historians of classical antiquity failed to solve the problem of the gens. Although they correctly noted many of its distinguishing features, they always regarded it as a *group of families* and thus made it impossible for themselves to understand the nature and origin of the gens. Under the gentile constitution, the family was never a unit of organization, nor could it be, for man and wife necessarily belonged to two different gentes. The gens as a whole belonged to the phratry, the phratry to the tribe; but in the case of the family, it half belonged to the gens of the husband and half to that of the wife. The state, too, does not recognize the family—in public law, to this day it exists only in civil law. Nevertheless, all written history so far takes as its point of departure the absurd assumption, which became inviolable in the eighteenth century, that the monogamous individual family, an institution scarcely older than civilization, is the nucleus around which society and the state gradually crystallized.

"Mr. Grote will also please note," adds Marx,

"that although the Greeks traced their gentes to mythology, the gentes are older than mythology with its gods and demigods, which *they themselves* had created."

Grote is quoted with preference by Morgan as a prominent and quite unsuspicious witness. He relates further that every Athenian gens had a name derived from its reputed ancestor; that before Solon's time as a general rule, and afterwards if a man died intestate, his gentiles (*gennêtes*) inherited his property; and that if a man was murdered, first his relatives, next his *gennêtes*, and finally the phrators of the slain had the right and duty to prosecute the criminal in the courts: "all that we hear of the most ancient Athenian laws is based upon the gentile and phratric divisions."

The descent of the gentes from common ancestors has been a brain-racking puzzle to the "school-taught philistines" (*Marx*). Naturally, since they claim that these ancestors are purely mythical, they are at a loss to explain how the gentes developed out of separate and distinct, originally totally unrelated families; yet they must accomplish this somehow, if only to explain the existence of the gentes. So they circle round in a whirlpool of words and do not get beyond the phrase: the genealogy is indeed mythical, but the gens is real. And finally, Grote says—the bracketed remarks being by Marx—:

"We hear of this genealogy but rarely, because it is only brought before the public in certain cases pre-eminent and venerable. But the humbler gentes had their common rites [rather peculiar, Mr. Grote!] and common superhuman ancestor and genealogy, as well as the more celebrated [how very peculiar this, Mr. Grote, in *humbler* gentes!]: the scheme and ideal basis [my dear sir! Not *ideal*, but carnal, *germanice*[1] *fleischlich*!] was the same in all."

Marx sums up Morgan's reply to this as follows: "The system of consanguinity corresponding to the gens in its original form—the Greeks once possessed it like other mortals—preserved the knowledge of the mutual relation of all members of the gens. They learned this for them decisively important fact by practice from early childhood. With the advent of the monogamous family this dropped into oblivion. The gentile name created a genealogy compared with which that of the monogamous family seemed insignificant. This name was now to attest to its bearers the fact of their common ancestry. But the genealogy of the gens went so far back that its members could no longer prove their mutual real kinship, except in a limited number of cases of more recent common ancestors. The name itself was the proof of a common ancestry, and conclusive proof, except in cases of

[1] In plain German.—*Ed.*

adoption. The actual denial of all kinship between gentiles à la Grote and Niebuhr, which transforms the gens into a purely fictitious, fanciful creation of the brain, is, on the other hand, worthy of 'ideal' scientists, that is, of cloistered book-worms. Because the concatenation of the generations, especially with the incipience of monogamy, is removed into the distance, and the reality of the past seems reflected in mythological fantasy, the good old philistines concluded, and still conclude, that the fancied genealogy created real gentes!"

As among the Americans, the *phratry* was a mother gens, split up into several daughter gentes, and at the same time uniting them, often tracing them all to a common ancestor. Thus, according to Grote, "all the contemporary members of the phratry of Hekataeus had a common god for their ancestor at the sixteenth degree." Hence, all the gentes of this phratry were literally brother gentes. The phratry is still mentioned by Homer as a military unit in that famous passage where Nestor advises Agamemnon: Draw up the troops by tribes and by phratries so that phratry may support phratry, and tribe tribe.

The phratry also has the right and the duty to prosecute the murderer of a phrator, indicating that in former times it had the duty of blood revenge. Furthermore, it has common sanctuar-

ies and festivals; for the development of the entire Grecian mythology from the traditional old Aryan cult of nature was essentially due to the gentes and phratries and took place within them. The phratry also had a chief (*phratriarchos*) and, in the opinion of de Coulanges, assemblies which would make binding decisions, a tribunal and an administration. Even the state of a later period, while ignoring the gens, left certain public functions to the phratry.

A number of kindred phratries constituted a tribe. In Attica there were four tribes of three phratries each, each phratry consisting of thirty gentes. This meticulous division of the groups presupposes a conscious and planned interference with the order of things that had taken shape spontaneously. How, when and why this was done Grecian history does not disclose, for the Greeks themselves preserved memories that did not reach beyond the Heroic Age.

Closely packed in a comparatively small territory as the Greeks were, their differences in dialect were less conspicuous than those that developed in the extensive American forests. Nevertheless, even here we find only tribes of the same main dialect united in a larger aggregate; and even little Attica had its own dialect, which later on became the prevailing language in Greek prose.

In the epics of Homer we generally find the

Greek tribes already combined into small peoples, within which, however, the gentes, phratries and tribes still retained their full independence. They already lived in walled cities. The population increased with the growth of the herds, with field agriculture and the beginnings of the handicrafts. With this came increased differences in wealth, which gave rise to an aristocratic element within the old natural-grown democracy. The various small peoples engaged in constant warfare for the possession of the best land and also for the sake of loot. The enslavement of prisoners of war was already a recognized institution.

The constitution of these tribes and small peoples was as follows:

1. The permanent authority was the *council* (*bulê*), originally composed, most likely, of the chiefs of the gentes, but later on, when their number became too large, selected, which created the opportunity to develop and strengthen the aristocratic element. Dionysius definitely speaks of the council of the Heroic Age as being composed of notables (*kratistoi*). The council had the final decision in important matters. In Aeschylus, the council of Thebes passes a decision binding in the given case that the body of Eteocles be buried with full honours, and that the body of Polyneices be thrown out to be devoured by the dogs. Later, with the rise of

the state, this council was transformed into a senate.

2. The *popular assembly* (*agora*). Among the Iroquois we saw that the people, men and women, stood in a circle around the council meetings, taking an orderly part in the discussions and thus influencing its decisions. Among the Homeric Greeks, this *Umstand*,[1] to use an old German legal expression, had developed into a complete popular assembly, as was also the case with the ancient Germans. The assembly was convened by the council to decide important matters; every man had the right to speak. The decision was made by a show of hands (Aeschylus in *The Suppliants*), or by acclamation. It was sovereign and final, for, as Schömann says in his *Antiquities of Greece*,[2] "Whenever a matter is discussed that requires the co-operation of the people for its execution, Homer gives us no indication of any means by which the people could be forced to it against their will." At this time, when every adult male member of the tribe was a warrior, there was as yet no public authority separated from the people that could have been set up against it. Primitive democracy was still in full bloom, and this must remain in the point of departure in judging pow-

[1] *Umstand*: Those standing around.—*Ed.*

[2] G. F. Schömann, *Griechische Alterthümer*, Bd. I-II, Berlin 1855-59.—*Ed.*

er and the status of the council and of the *basileus*.

3. The *military commander* (*basileus*). On this point, Marx makes the following comment: "The European savants, most of them born servants of princes, represent the *basileus* as a monarch in the modern sense. The Yankee republican Morgan objects to this. Very ironically, but truthfully, he says of the oily Gladstone and his *Juventus Mundi*:[1] Mr. Gladstone, who presents to his readers the Grecian chiefs of the Heroic Age as kings and princes, with the superadded qualities of gentlemen, is forced to admit that on the whole we seem to have the custom or law of primogeniture sufficiently, but not oversharply defined." As a matter of fact, Mr. Gladstone himself must have realized that such a contingent system of primogeniture sufficiently but not oversharply defined is as good as none at all.

What the position as regards heredity was in the case of the offices of chiefs among the Iroquois and also other Indians we have already seen. In so far as all officials were elected, mostly within the gens, they were, to that extent, hereditary in the gens. Gradually, a vacancy came to be filled preferably by the next gen-

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[1] W. E. Gladstone, *Juventus Mundi* [*Youth of the World*]. *The Gods and Men of the Heroic Age*. London 1869.—*Ed.*

tile relative—the brother or the sister's son—unless good reasons existed for passing him over. The fact that in Greece, under father right, the office of *basileus* was generally transmitted to the son, or one of the sons, only indicates that the probability of succession by public election was in favour of the sons; but it by no means implies legal succession without public election. Here we perceive, among the Iroquois and Greeks, the first rudiments of special aristocratic families within the gentes, and among the Greeks also the first rudiments of the future hereditary chieftainship or monarchy. Hence it is to be supposed that among the Greeks the *basileus* was either elected by the people or, at least, had to be confirmed by its recognized organ—the council or the *agora*—as was the case with the Roman "king" (*rex*).

In the *Iliad* the ruler of men, Agamemnon, appears, not as the supreme king of the Greeks, but as supreme commander of a federal army before a besieged city. And when dissension broke out among the Greeks, it is to this quality of his that Odysseus points in the famous passage: the commanding of many is not a good thing; let us have one commander, etc. (to which the popular verse about the sceptre was added later). "Odysseus is not here lecturing on the form of government, but is demanding obedience to the supreme commander of the army

in the field. For the Greeks, who appear before Troy only as an army, the proceedings in the *agora* are sufficiently democratic. When speaking of gifts, that is, the division of the spoils, Achilles never makes Agamemnon or some other *basileus* the divider, but always the 'sons of the Achaeans,' that is to say, the people. The attributes 'begotten of Zeus,' 'nourished by Zeus,' do not prove anything, because *every* gens is descended from some god, and the gens of the tribal chief from a 'prominent' god, in this case Zeus. Even bondsmen, such as the swineherd Eumaeus and others, are 'divine' (*dioi* or *theioi*), even in the *Odyssey*, and hence in a much later period than the *Iliad*. Likewise in the *Odyssey*, we find the name of *heros* given to the herald Mulios as well as to the blind bard Demodocus. In short, the word *basileia*, which the Greek writers apply to Homer's so-called kingship (because military leadership is its chief distinguishing mark), with the council and popular assembly alongside of it, means merely—military democracy." (Marx.)

Besides military functions, the *basileus* had also sacerdotal and judicial functions; the latter were not clearly specified, but the former he exercised in his capacity of highest representative of the tribe, or of the confederacy of tribes. There is no reference anywhere to civil, administrative functions; but it seems that he was

ex officio a member of the council. Etymologically, it is quite correct to translate *basileus* as king, because king (*kuning*) is derived from *kuni*, *künne*, and signifies chief of a gens. But the old-Greek *basileus* in no wise corresponds to the modern meaning of the word king. Thucydides expressly refers to the old *basileia* as *patrikê*, that is, derived from the gens, and states that it had specified, hence restricted, functions. And Aristotle says that the *basileia* of the Heroic Age was a leadership over freemen, and that the *basileus* was a military chief, judge and high priest. Hence, the *basileus* had no governmental power in the later sense.[1]

Thus, in the Grecian constitution of the Heroic Age, we still find the old gentile system full of vigour; but we also see the beginning of its

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[1] Like the Grecian *basileus*, the Aztec military chief has been wrongly presented as a prince in the modern sense. Morgan was the first to subject to historical criticism the reports of the Spaniards, who at first misunderstood and exaggerated, and later deliberately misrepresented things; he showed that the Mexicans were in the middle stage of barbarism, but on a higher plane than the New Mexican Pueblo Indians, and that their constitution, so far as the garbled accounts enable us to judge, corresponded to the following: a confederacy of three tribes, which had made a number of others tributary, and which was governed by a federal council and a federal military chief, whom the Spaniards had made into an "emperor." [*Note by Engels.*]

decay: father right and the inheritance of property by the children, which favoured the accumulation of wealth in the family and gave the latter power as against the gens; differentiation in wealth affecting in turn the social constitution by creating first rudiments of a hereditary nobility and monarchy; slavery, first limited to prisoners of war, but already paving the way to the enslavement of fellow members of the tribe and even of the gens; the degeneration of the old intertribal warfare to systematic raids, on land and sea, for the purpose of capturing cattle, slaves, and treasure as a regular means of gaining a livelihood. In short, wealth is praised and respected as the highest treasure, and the old gentile institutions are perverted in order to justify forcible robbery of wealth. Only one thing was missing: an institution that would not only safeguard the newly-acquired property of private individuals against the communistic traditions of the gentile order, would not only sanctify private property, formerly held in such light esteem, and pronounce this sanctification the highest purpose of human society, but would also stamp the gradually developing new forms of acquiring property, and consequently, of constantly accelerating increase in wealth, with the seal of general public recognition; an institution that would perpetuate, not only the newly-rising class division of society, but also the

right of the possessing class to exploit the non-possessing classes and the rule of the former over the latter.

And this institution arrived. The *state* was invented.

V

THE RISE OF THE ATHENIAN STATE

How the state developed, some of the organs of the gentile constitution being transformed, some displaced, by the intrusion of new organs, and, finally, all superseded by real governmental authorities—while the place of the actual "people in arms" defending itself through its gentes, phratries and tribes was taken by an armed "public power" at the service of these authorities and, therefore, also available against the people—all this can nowhere be traced better, at least in its initial stage, than in ancient Athens. The forms of the changes are, in the main, described by Morgan; the economic content which gave rise to them I had largely to add myself.

In the Heroic Age, the four tribes of the Athenians were still installed in separate parts of Attica. Even the twelve phratries comprising them seem still to have had separate seats in the twelve towns of Cecrops. The constitution was that of the Heroic Age: a popular assembly, a

popular council, a *basileus*. As far back as written history goes we find the land already divided up and transformed into private property, which corresponds with the relatively developed state of commodity production and a commensurate commodity trade towards the end of the higher stage of barbarism. In addition to cereals, wine and oil were cultivated. Commerce on the Aegean Sea passed more and more from Phoenician into Attic hands. As a result of the purchase and sale of land and the continued division of labour between agriculture and handicrafts, trade and navigation, the members of gentes, phratries and tribes very soon intermingled. The districts of the phratry and the tribe received inhabitants who, although they were fellow countrymen, did not belong to these bodies and, therefore, were strangers in their own places of residence. For in time of peace, every phratry and every tribe administered its own affairs without consulting the popular council or the *basileus* in Athens. But inhabitants of the area of the phratry or tribe not belonging to either naturally could not take part in the administration.

This so disturbed the regulated functioning of the organs of the gentile constitution that a remedy was already needed in the Heroic Age. A constitution, attributed to Theseus, was introduced. The main feature of this change was the

institution of a central administration in Athens, that is to say, some of the affairs that hitherto had been conducted independently by the tribes were declared to be common affairs and transferred to a general council sitting in Athens. Thereby, the Athenians went a step further than any ever taken by any indigenous people in America: the simple federation of neighbouring tribes was now supplanted by the coalescence of all the tribes into one single people. This gave rise to a system of general Athenian popular law, which stood above the legal usages of the tribes and gentes. It bestowed on the citizens of Athens, as such, certain rights and additional legal protection even in territory that was not their own tribe's. This, however, was the first step towards undermining the gentile constitution; for it was the first step towards the subsequent admission of citizens who were alien to all the Attic tribes and were and remained entirely outside the pale of the Athenian gentile constitution. A second institution attributed to Theseus was the division of the entire people, irrespective of gentes, phratries and tribes, into three classes: *eupatrides*, or nobles; *geomoroi*, or tillers of the land; and *demiurgi*, or artisans, and the granting to the nobles of the exclusive right to public office. True, apart from reserving to the nobles the right to hold public office, this division remained inoperative,

as it created no other legal distinctions between the classes. It is important, however, because it reveals to us the new social elements that had quietly developed. It shows that the customary holding of office in the gens by certain families had already developed into a privilege of these families that was little contested; that these families, already powerful owing to their wealth, began to unite outside of their gentes into a privileged class; and that the nascent state sanctioned this usurpation. It shows, furthermore, that the division of labour between husbandmen and artisans had become strong enough to contest the superiority, socially, of the old division into gentes and tribes. And finally, it proclaimed the irreconcilable antagonism between gentile society and the state. The first attempt to form a state consisted in breaking up the gentes by dividing the members of each into a privileged and an inferior class, and the latter again into two vocational classes, thus setting one against the other.

The ensuing political history of Athens up to the time of Solon is only incompletely known. The office of *basileus* fell into disuse; *archons*, elected from among the nobility, became the heads of the state. The rule of the nobility steadily increased until, round about 600 B.C., it became unbearable. The principal means for stifling the liberty of the commonalty were—mon-

ey and usury. The nobility lived mainly in and around Athens, where maritime commerce, with occasional piracy still as a sideline, enriched it and concentrated monetary wealth in its hands. From this point the developing money system penetrated like a corroding acid into the traditional life of the rural communities founded on natural economy. The gentile constitution is absolutely incompatible with the money system. The ruin of the Attic small-holding peasants coincided with the loosening of the old gentile bonds that protected them. Creditors' bills and mortgage bonds—for by then the Athenians had also invented the mortgage—respected neither the gens nor the phratry. But the old gentile constitution knew nothing of money, credit and monetary debt. Hence the constantly expanding money rule of the nobility gave rise to a new law, that of custom, to protect the creditor against the debtor and sanction the exploitation of the small peasant by the money owner. All the rural districts of Attica bristled with mortgage posts bearing the legend that the lot on which they stood was mortgaged to so and so for so and so much. The fields that were not so designated had for the most part been sold on account of overdue mortgages or non-payment of interest and had become the property of the noble-born usurers; the peasant was glad if he was permitted to remain as a

tenant and live on *one-sixth* of the product of his labour while paying *five-sixths* to his new master as rent. More than that: if the sum obtained from the sale of the lot did not cover the debt, or if such a debt was not secured by a pledge, the debtor had to sell his children into slavery abroad in order to satisfy the creditor's claim. The sale of his children by the father—such was the first fruit of father right and monogamy! And if the bloodsucker was still unsatisfied, he could sell the debtor himself into slavery. Such was the pleasant dawn of civilization among the Athenian people.

Formerly, when the conditions of life of the people were still in keeping with the gentile constitution, such a revolution would have been impossible; but here it had come about nobody knew how. Let us return for a moment to the Iroquois. Among them a state of things like that which had now imposed itself on the Athenians without their own doing, so to say, and certainly against their will, was inconceivable. There the mode of production of the means of subsistence, which, year in and year out, remained unchanged, could never give rise to such conflicts, imposed from without, as it were; to antagonism between rich and poor, between exploiters and exploited. The Iroquois were still far from controlling the forces of nature; but within the limits set for them by

nature they were masters of their production. Apart from bad harvests in their little gardens, the exhaustion of the fish supply in their lakes and rivers, or of game in their forests, they knew what the outcome would be of their mode of gaining a livelihood. The outcome would be: means of sustenance, meagre or abundant; but it could never be unpremeditated social upheavals, the severing of gentile bonds, or the splitting of the members of gentes and tribes into antagonistic classes fighting each other. Production was carried on within the most restricted limits, but—the producers exercised control over their own product. This was the immense advantage of barbarian production that was lost with the advent of civilization; and to win it back on the basis of the enormous control man now exercises over the forces of nature, and of the free association that is now possible, will be the task of the next generations.

Not so among the Greeks. The appearance of private property in herds of cattle and articles of luxury led to exchange between individuals, to the transformation of products into *commodities*. Here lies the root of the entire revolution that followed. When the producers no longer directly consumed their product, but let it go out of their hands in the course of exchange, they lost control over it. They no longer knew

what became of it, and the possibility arose that the product might some day be turned against the producers, used as a means of exploiting and oppressing them. Hence, no society can for any length of time remain master of its own production and continue to control the social effects of its process of production, unless it abolishes exchange between individuals.

The Athenians were soon to learn, however, how quickly after individual exchange is established and products are converted into commodities, the product manifests its rule over the producer. With the production of commodities came the tilling of the soil by individual cultivators for their own account, soon followed by individual ownership of the land. Then came money, that universal commodity for which all others could be exchanged. But when men invented money they little suspected that they were creating a new social power, the one universal power to which the whole of society must bow. It was this new power, suddenly sprung into existence without the will or knowledge of its own creators, that the Athenians felt in all the brutality of its youth.

What was to be done? The old gentile organization had not only proved impotent against the triumphant march of money; it was also absolutely incapable of providing a place within its framework for such things as money, credit-

ors, debtors and the forcible collection of debts. But the new social power was there, and neither pious wishes nor a longing for the return of the good old times could drive money and usury out of existence. Moreover, a number of other, minor breaches had been made in the gentile constitution. The indiscriminate mingling of the gentiles and phrators throughout the whole of Attica, and especially in the city of Athens, increased from generation to generation, in spite of the fact that an Athenian, while allowed to sell plots of land out of his gens, was still prohibited from thus selling his dwelling house. The division of labour between the different branches of production—agriculture, handicrafts, numerous skills within the various crafts, trade, navigation, etc.—had developed more fully with the progress of industry and commerce. The population was now divided according to occupation into rather well-defined groups, each of which had a number of new, common interests that found no place in the gens or phratry and, therefore, necessitated the creation of new offices to attend to them. The number of slaves had increased considerably and must have far exceeded that of the free Athenians even at this early stage. The gentile constitution originally knew no slavery and was, therefore, ignorant of any means of holding this mass of bondsmen in check. And

finally, commerce had attracted a great many strangers who settled in Athens because it was easier to make money there, and according to the old constitution these strangers enjoyed neither rights nor the protection of the law. In spite of traditional toleration, they remained a disturbing and foreign element among the people.

In short, the gentile constitution was coming to an end. Society was daily growing more and more out of it; it was powerless to check or allay even the most distressing evils that were arising under its very eyes. In the meantime, however, the state had quietly developed. The new groups formed by division of labour, first between town and country, then between the various branches of urban industry, had created new organs to protect their interests. Public offices of every description were instituted. And then the young state needed, above all, its own fighting forces, which among the seafaring Athenians could at first be only naval forces, to be used for occasional small wars and to protect merchant vessels. At some uncertain time before Solon, the naucraries were instituted, small territorial districts, twelve in each tribe. Every naucrary had to furnish, equip and man a war vessel and, in addition, detail two horsemen. This arrangement was a twofold attack on the gentile constitution. First, it created a

public power which was no longer simply identical with the armed people in its totality; secondly, it for the first time divided the people for public purposes, not according to kinship groups, but territorially, according to *common domicile.* We shall see what this signified.

As the gentile constitution could not come to the assistance of the exploited people, they could look only to the rising state. And the state brought help in the form of the constitution of Solon, while at the same time strengthening itself anew at the expense of the old constitution. Solon—the manner in which his reform of 594 B. C. was brought about does not concern us here—started the series of so-called political revolutions by an encroachment on property. All revolutions until now have been revolutions for the protection of one kind of property against another kind of property. They cannot protect one kind without violating another. In the Great French Revolution feudal property was sacrificed in order to save bourgeois property; in Solon's revolution, creditors' property had to suffer for the benefit of debtors' property. The debts were simply annulled. We are not acquainted with the exact details, but Solon boasts in his poems that he removed the mortgage posts from the encumbered lands and enabled all who had fled or had been sold abroad for debt to return home. This could

have been done only by openly violating property rights. And indeed, the object of all so-called political revolutions, from first to last, was to protect *one* kind of property by confiscating, also called stealing, *another* kind of property. It is thus absolutely true that for 2,500 years private property could be protected only by violating property rights.

But now a way had to be found to prevent such re-enslavement of the free Athenians. This was first achieved by general measures; for example, the prohibition of contracts which involved the personal hypothecation of the debtor. Furthermore, a maximum was fixed for the amount of land any one individual could own, in order to put some curb, at least, on the craving of the nobility for the peasants' land. Then followed constitutional amendments, of which the most important for us are the following:

The council was increased to four hundred members, one hundred from each tribe. Here, then, the tribe still served as a basis. But this was the only side of the old constitution that was incorporated in the new body politic. For the rest, Solon divided the citizens into four classes, according to the amount of land owned and its yield. Five hundred, three hundred and one hundred and fifty medimni of grain (1 medimnus equals appr. 41 litres) were the minimum yields for the first three classes; whoever

had less land or none at all belonged to the fourth class. Only members of the first three classes could hold office: the highest offices were filled by the first class. The fourth class had only the right to speak and vote in the popular assembly. But here all officials were elected, here they had to give account of their actions, here all the laws were made, and here the fourth class was in the majority. The aristocratic privileges were partly renewed in the form of privileges of wealth, but the people retained the decisive power. The four classes also formed the basis for the reorganization of the fighting forces. The first two classes furnished the cavalry; the third had to serve as heavy infantry; the fourth served as light infantry, without armour, or in the navy, and probably were paid.

Thus, an entirely new element was introduced into the constitution: private ownership. The rights and duties of the citizens were graduated according to the amount of land they owned; and as the propertied classes gained influence the old consanguine groups were driven into the background. The gentile constitution suffered another defeat.

The gradation of political rights according to property, however, was not an indispensable institution for the state. Important as it may have been in the constitutional history of states,

nevertheless, a good many states, and the most completely developed at that, did without it. Even in Athens it played only a transient role. Since the time of Aristides, all offices were open to all the citizens.

During the next eighty years Athenian society gradually took the course along which it further developed in subsequent centuries. Usurious land operations, rampant in the pre-Solon period, were checked, as was the unlimited concentration of landed property. Commerce and the handicrafts and useful arts conducted on an ever-increasing scale with slave labour became the predominating branches of occupation. Enlightenment made progress. Instead of exploiting their own fellow citizens in the old brutal manner, the Athenians now exploited mainly the slaves and non-Athenian clients. Movable property, wealth in money, slaves and ships, increased more and more; but instead of being simply a means for purchasing land, as in the first period with its limitations, it became an end in itself. This, on the one hand, gave rise to the successful competition of the new, wealthy industrial and commercial class with the old power of the nobility, but, on the other hand, it deprived the old gentile constitution of its last foothold. The gentes, phratries and tribes, whose members were now scattered all over Attica and lived completely

intermingled, thus became entirely useless as political bodies. A large number of Athenian citizens did not belong to any gens; they were immigrants who had been adopted into citizenship, but not into any of the old bodies of *consanguinei*. Besides, there was a steadily increasing number of foreign immigrants who only enjoyed protection.

Meanwhile, the struggles of the parties proceeded. The nobility tried to regain its former privileges and for a short time recovered its supremacy, until the revolution of Cleisthenes (509 B.C.) brought about its final downfall; and with them fell the last remnants of the gentile constitution.

In his new constitution, Cleisthenes ignored the four old tribes based on the gentes and phratries. Their place was taken by an entirely new organization based exclusively on the division of the citizens according to place of domicile, already attempted in the naucraries. Not membership of a body of *consanguinei*, but place of domicile was now the deciding factor. Not people, but territory was now divided; politically, the inhabitants became mere attachments of the territory.

The whole of Attica was divided into one hundred self-governing townships, or demes. The citizens (demots) of a deme elected their official head (demarch), a treasurer and thirty

judges with jurisdiction in minor cases. They also received their own temple and a tutelary deity, or *heros*, whose priests they elected. The supreme power in the deme was the assembly of the demots. This, as Morgan correctly remarks, is the prototype of the self-governing American municipality. The modern state in its highest development ends with the very unit with which the rising state in Athens began.

Ten of these units (demes) formed a tribe, which, however, as distinct from the old gentile tribe [*Geschlechtsstamm*], was now called a local tribe [*Ortsstamm*]. The local tribe was not only a self-governing political body, but also a military body. It elected a phylarch or tribal head, who commanded the cavalry, a taxiarch, who commanded the infantry, and a strategos, who was in command of the entire contingent raised in the tribal territory. Furthermore, it furnished five war vessels with crews and commander; and it received an Attic *heros*, by whose name it was known, as its guardian saint. Finally, it elected fifty councillors to the council of Athens.

The consummation was the Athenian state, governed by a council of five hundred—elected by the ten tribes—and, in the last instance, by the popular assembly, which every Athenian citizen could attend and vote in. Archons and other officials attended to the different depart-

ments of administration and the courts. In Athens there was no official possessing supreme executive authority.

By this new constitution and by the admission of a large number of dependents [*Schutzverwandter*], partly immigrants and partly freed slaves, the organs of the gentile constitution were eliminated from public affairs. They sank to the position of private associations and religious societies. But their moral influence, the traditional conceptions and views of the old gentile period, survived for a long time and expired only gradually. This became evident in a subsequent state institution.

We have seen that an essential feature of the state is a public power distinct from the mass of the people. At that time Athens possessed only a militia and a navy equipped and manned directly by the people. These afforded protection against external enemies and held the slaves in check, who at that time already constituted the great majority of the population. For the citizens, this public power at first existed only in the shape of the police force, which is as old as the state, and that is why the naïve Frenchmen of the eighteenth century spoke, not of civilized, but of policed nations (*nations policées*). Thus, simultaneously with their state, the Athenians established a police force, a veritable gendarmerie of foot and

mounted bowmen—*Landjäger*, as they say in South Germany and Switzerland. This gendarmerie consisted—of *slaves*. The free Athenian regarded this police duty as being so degrading that he preferred being arrested by an armed slave rather than perform such ignominious duties himself. This was still an expression of the old gentile mentality. The state could not exist without a police force, but it was still young and did not yet command sufficient moral respect to give prestige to an occupation that necessarily appeared infamous to the old gentiles.

How well this state, now completed in its main outlines, suited the new social condition of the Athenians was apparent from the rapid growth of wealth, commerce and industry. The class antagonism on which the social and political institutions rested was no longer that between the nobles and the common people, but that between slaves and freemen, dependents and citizens. When Athens was at the height of prosperity the total number of free Athenian citizens, women and children included, amounted to about 90,000; the slaves of both sexes numbered 365,000, and the dependents—immigrants and freed slaves—45,000. Thus, for every adult male citizen there were at least eighteen slaves and more than two dependents. The large number of slaves is explained by the

fact that many of them worked together in manufactories with large rooms under overseers. With the development of commerce and industry came the accumulation and concentration of wealth in a few hands; the mass of the free citizens was impoverished and had to choose between going into handicrafts and competing with slave labour—which was considered ignoble and base and, moreover, promised little success—and complete pauperization. Under the prevailing circumstances what happened was the latter, and being in the majority they dragged the whole Athenian state down with them. It was not democracy that caused the downfall of Athens, as the European schoolmasters who cringe before royalty would have us believe, but slavery, which brought the labour of the free citizen into contempt.

The rise of the state among the Athenians presents a very typical example of state building in general; because, on the one hand, it took place in a pure form, without the interference of violence, external or internal (the short period of usurpation by Pisistratus left no trace behind it); because, on the other hand, it represented the rise of a highly developed form of state, the democratic republic, emerging directly out of gentile society; and lastly, because we are sufficiently acquainted with all the essential details.

VI
THE GENS AND THE STATE IN ROME

According to the legend about the foundation of Rome, the first settlement was undertaken by a number of Latin gentes (one hundred, the legend says) united into one tribe. A Sabellian tribe, also said to consist of one hundred gentes, soon followed, and finally a third tribe of various elements, again numbering one hundred gentes, joined them. The whole story reveals at the very first glance that here hardly anything except the gens was a natural product, and that the gens itself, in many cases, was only an offshoot of a mother gens still existing in the old habitat. The tribes bear the mark of having been artificially constituted; nevertheless, they consisted mostly of kindred elements and were formed on the model of the old, naturally grown, not artificially constituted, tribe; and it is not improbable that a genuine old tribe formed the nucleus of each of these three tribes. The connecting link, the phratry, contained ten gentes and was called the *curia*. Hence, there were thirty of them.

That the Roman gens was an institution identical with the Grecian gens is a recognized fact; if the Grecian gens was a continuation of the social unit the primitive form of which is

presented by the American Redskins, then the same, naturally, holds good for the Roman gens. Hence, we can be more brief in its treatment.

At least during the earliest times of the city, the Roman gens had the following constitution:

1. Mutual right of inheritance of the property of deceased gentiles; the property remained in the gens. Since father right was already in force in the Roman gens, as it was in the Grecian gens, the offspring of female lineage were excluded. According to the law of the Twelve Tables, the oldest written law of Rome known to us, the natural children had the first title to the estate; in case no natural children existed, the *agnates* (kin of *male* lineage) took their place; and in their absence came the gentiles. In all cases the property remained in the gens. Here we observe the gradual infiltration into gentile practice of new legal provisions, caused by increased wealth and monogamy: the originally equal right of inheritance of the gentiles was first limited in practice to the *agnates*, probably at a very remote date as mentioned above, and afterwards to the children and their offspring in the male line. Of course, in the Twelve Tables this appears in reverse order.

2. Possession of a common burial place. The patrician gens Claudia, on immigrating into Rome from Regilli, received a plot and also a

common burial place in the city. Even under Augustus, the head of Varus, who had fallen in the Teutoburg Forest, was brought to Rome and interred in the *gentilitius tumulus*[1]; hence, his gens (Quinctilia) still had its own tomb.

3. Common religious celebrations. These, the *sacra gentilitia*, are well known.

4. Obligation not to marry within the gens. In Rome this does not appear to have ever become a written law, but the custom remained. Of the innumerable names of Roman married couples that have come down to our day there is not a single case where husband and wife have the same gentile name. The law of inheritance also proves this rule. A woman by her marriage forfeited her agnatic rights, left her gens, and neither she nor her children could inherit her father's property, or that of his brothers, for otherwise the father's gens would lose the property. This rule has a meaning only on the assumption that the woman was not permitted to marry a member of her own gens.

5. Possession of land in common. In primeval times this always obtained when the tribal territory was first divided. Among the Latin tribes we find the land partly in the possession

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[1] Mound of the gens.—*Ed.*

of the tribe, partly of the gens, and partly of households that could hardly have represented single families at that time. Romulus is credited with having been the first to assign land to single individuals, about a hectare (two *jugera*) to each. Nevertheless, even later we still find land in the hands of the gentes, not to mention state lands, around which the whole internal history of the republic turned.

6. Reciprocal obligation of members of the gens to assist and help redress injuries. Written history records only paltry remnants of this; from the outset the Roman state manifested such superior power that the duty of redress of injury devolved upon it. When Appius Claudius was arrested, his whole gens, including his personal enemies, put on mourning. At the time of the second Punic War the gentes united to ransom their fellow gentiles who were in captivity; they were *forbidden* to do this by the senate.

7. Right to bear the gentile name. This was in force until the time of the emperors. Freed slaves were permitted to assume the gentile names of their former masters, although without gentile rights.

8. Right of adopting strangers into the gens. This was done by adoption into a family (as among the Red Indians), which brought with it adoption into the gens.

9. The right to elect and depose chiefs is nowhere mentioned. Inasmuch, however, as during the first period of Rome's existence all offices, from the elective king downward, were filled by election or appointment, and as the *curiae* elected also their own priests, we are justified in assuming that the same existed in regard to the gentile chiefs (*principes*)—no matter how well-established the rule of choosing the candidates from the same family may have been already.

Such were the powers of a Roman gens. With the exception of the complete transition to father right, they are the true image of the rights and duties of an Iroquois gens. Here, too, "the Iroquois is plainly discerned."

The confusion that still reigns even among our most authoritative historians on the question of the Roman gentile order is shown by the following example: In his treatise on Roman proper names of the Republican and Augustinian era (*Roman Researches*, Berlin 1864, vol.1[1]), Mommsen writes: "The gentile name is not only borne by all male gentiles, including adopted persons and wards, except, of course, the slaves, but also by the women. . . . The tribe [*Stamm*] (as Mommsen here translates *gens*)

[1] Th. Mommsen, *Römische Forschungen*, Ausg. 2. Bd. I-II, Berlin 1864-78.—*Ed.*

is . . . a community derived from a common—actual, assumed or even invented—ancestor and united by common rites, burial places and inheritance. All personally free individuals, hence women also, may and must be registered in it. But determining the gentile name of a married woman offers some difficulty. This indeed did not exist as long as women were prohibited from marrying anyone but members of their own gens; and evidently for a long time the women found it much more difficult to marry outside the gens than in it. This right, the *gentis enuptio*,[1] was still bestowed as a personal privilege and reward during the sixth century. . . . But wherever such outside marriages occurred the woman in primeval times must have been transferred to the tribe of her husband. Nothing is more certain than that by the old religious marriage the woman fully joined the legal and sacramental community of her husband and left her own. Who does not know that the married woman forfeits her active and passive right of inheritance in respect to her gentiles, but enters the inheritance group of her husband, her children and his gentiles? And if her husband adopts her as his child and brings her into his family, how can she remain separated from his gens?" (Pp. 9-11.)

[1] Of marrying outside the gens.—*Ed.*

Thus, Mommsen asserts that Roman women belonging to a certain gens were originally free to marry only *within* their gens; according to him, the Roman gens, therefore, was endogamous, not exogamous. This opinion, which contradicts the experience of all other peoples, is principally, if not exclusively, based on a single, disputed passage in Livy (Book xxxix, ch.19) according to which the senate decreed in the year 568 of the City, that is, 186 B.C., *uti Feceniae Hispallae datio, deminutio, gentis enuptio, tutoris optio item esset quasi ei vir testamento dedisset; utique ei ingenuo nubere liceret, neu quid ei qui eam duxisset, ob id fraudi ignominiaeve esset*—that Fecenia Hispalla shall have the right to dispose of her property, to diminish it, to marry outside of the gens, to choose a guardian, just as if her (deceased) husband had conferred this right on her by testament; that she shall be permitted to marry a freeman and that for the man who marries her this shall not constitute a misdemeanour or disgrace.

Undoubtedly, Fecenia, a freed slave, here obtained permission to marry outside of the gens. And it is equally doubtless, according to this, that the husband had the right to confer on his wife by testament the right to marry outside of the gens after his death. But outside of *which* gens?

If a woman had to marry in her gens, as Mommsen assumes, then she remained in this gens after her marriage. In the first place, however, this assertion that the gens was endogamous is the very thing to be proved. In the second place, if the woman had to marry in the gens, then naturally the man had to do the same, otherwise he could never get a wife. Then we arrive at a state where a man could by testament confer on his wife a right which he did not possess himself for his own enjoyment, which brings us to a legal absurdity. Mommsen realizes this, and therefore conjectures: "marriage outside of the gens most probably required in law not only the consent of the person authorized, but of all members of the gens." (P. 10, note.) First, this is a very bold assumption; and secondly, it contradicts the clear wording of the passage. The senate gives her this right as her *husband's proxy*; it expressly gives her no more and no less than her husband could have given her; but what it does give is an *absolute* right, free from all restriction, so that, if she should make use of it, her new husband shall not suffer in consequence. The senate even instructs the present and future consuls and praetors to see that she suffers no inconvenience from the use of this right. Mommsen's supposition, therefore, appears to be absolutely inadmissible.

Then again: suppose a woman married a man from another gens, but remained in her own gens. According to the passage quoted above, her husband would then have the right to permit his wife to marry outside of her own gens. That is, he would have the right to make provisions in regard to the affairs of a gens to which he did not belong at all. The thing is so utterly unreasonable that we need say no more about it.

Nothing remains but to assume that in her first marriage the woman wedded a man from another gens and thereby became without more ado a member of her husband's gens, which Mommsen himself admits for such cases. Then the whole matter at once explains itself. The woman, torn from her old gens by her marriage, and adopted into her husband's gentile group, occupies a special position in the new gens. She is now a gentile, but not a kin by blood; the manner in which she was adopted excludes from the outset all prohibition of marrying in the gens into which she has entered by marriage. She has, moreover, been adopted into the marriage group of the gens and on her husband's death inherits some of his property, that is to say, the property of a fellow member of the gens. What is more natural than that this property should remain in the gens and that she should be obliged to marry a member of her first husband's gens and no other? If, how-

ever, an exception is to be made, who is more competent to authorize this than the man who bequeathed this property to her, her first husband? At the time he bequeathed a part of his property to her and simultaneously gave her permission to transfer this property to another gens by marriage, or as a result of marriage, he was still the owner of this property; hence he was literally only disposing of his own property. As for the woman and her relation to her husband's gens, it was the husband who, by an act of his own free will—the marriage—introduced her into his gens. Thus, it appears quite natural, too, that he should be the proper person to authorize her to leave this gens by another marriage. In short, the matter appears simple and obvious as soon as we discard the strange conception of an endogamous Roman gens and, with Morgan, regard it as having originally been exogamous.

Finally, there is still another view, which has probably found the largest number of advocates, namely, that the passage in Livy only means "that freed slave girls (*libertae*) cannot, without special permission, *e gente enubere* (marry outside of the gens) or take any step which, being connected with *capitis deminutio minima*,[1] would result in the *liberta* leaving the gentile

[1] Slightest loss of family rights.—*Ed.*

group." (Lange, *Roman Antiquities*, Berlin 1856, vol. I, p. 195,[1] where the passage we have taken from Livy is commented on in a reference to Huschke.) If this assumption is correct, the passage proves still less as regards the status of free Roman women, and there is so much less ground for speaking of their obligation to marry in the gens.

The expression *enuptio gentis* occurs only in this single passage and is not found anywhere else in the entire Roman literature. The word *enubere*, to marry outside, is found only three times, also in Livy, and not in reference to the gens. The fantastic idea that Roman women were permitted to marry only in their gens owes its existence solely to this single passage. But it cannot be sustained in the least; for either the passage refers to special restrictions for freed slave women, in which case it proves nothing for free-born women (*ingenuae*); or it applies also to free-born women, in which case it rather proves that the women as a rule married outside of the gens and were by their marriage transferred to their husbands' gens. Hence it speaks against Mommsen and for Morgan.

Almost three hundred years after the foundation of Rome the gentile bonds were still so

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[1] L. Lange, *Römische Alterthümer*, Bd. I-III, Berlin 1856-71.—*Ed.*

strong that a patrician gens, the Fabians, with permission from the senate could undertake by itself an expedition against the neighbouring town of Veii. Three hundred and six Fabians are said to have marched out and to have been killed in an ambuscade. A single boy, left behind, propagated the gens.

As we have said, ten gentes formed a phratry, which here was called a *curia*, and was endowed with more important functions than the Grecian phratry. Every *curia* had its own religious practices, sacred relics and priests. The latter in a body formed one of the Roman colleges of priests. Ten *curiae* formed a tribe, which probably had originally its own elected chief—leader in war and high priest—like the rest of the Latin tribes. The three tribes together formed the Roman people, the *populus Romanus*.

Thus, only those could belong to the Roman people who were members of a gens, and hence of a *curia* and tribe. The first constitution of this people was as follows. Public affairs were conducted by the senate composed, as Niebuhr was the first to state correctly, of the chiefs of the three hundred gentes; as the elders of the gentes they were called fathers, *patres*, and as a body senate (council of elders, from *senex*, old). Here too the customary choice of men from the same family in each gens brought into being the first hereditary nobility. These fami-

lies called themselves patricians and claimed the exclusive right to the seats in the senate and to all other offices. The fact that in the course of time the people allowed this claim so that it became an actual right is expressed in the legend that Romulus bestowed the rank of patrician and its privileges on the first senators and their descendants. The senate, like the Athenian *bulê*, had power to decide in many affairs and to undertake the preliminary discussion of more important measures, especially of new laws. These were decided by the popular assembly, called *comitia curiata* (assembly of *curiae*). The assembled people are grouped by *curiae*, in each *curia* probably by gentes, and in deciding questions each of the thirty *curiae* had one vote. The assembly of *curiae* adopted or rejected laws, elected all higher officials including the *rex* (so-called king), declared war (but the senate concluded peace), and decided as a supreme court, on appeal of the parties, all cases involving capital punishment for Roman citizens. Finally, by the side of the senate and the popular assembly stood the *rex*, corresponding exactly to the Grecian *basileus*, and by no means such an almost absolute monarch as Mommsen represents him to have been.[1] The

[1] The Latin *rex* is equivalent to the Celtic-Irish *righ* (tribal chief) and the Gothic *reiks*. That this, like our *Fürst* (English *first* and Danish *förste*), originally signi-

rex also was military commander, high priest and presiding officer of certain courts. He had no civil functions, or any power over life, liberty and property of the citizens whatever, except such as resulted from his disciplinary power as military commander or from his power to execute sentence as presiding officer of the court. The office of *rex* was not hereditary; on the contrary, he was first elected, probably on the nomination of his predecessor, by the assembly of *curiae* and then solemnly invested by a second assembly. That he could also be deposed is proved by the fate of Tarquinius Superbus.

Like the Greeks in the Heroic Age, the Romans at the time of the so-called kings lived in a military democracy based on gentes, phratries and tribes, from which it developed. Even though the *curiae* and tribes may have been partly artificial formations, they were moulded after the genuine and natural models of the so-

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fied gentile or tribal chief is evident from the fact that the Goths in the fourth century already had a special term for the king of later times, the military chief of a whole people, namely, *thiudans*. In Ulfila's translation of the Bible Artaxerxes and Herod are never called *reiks* but *thiudans*, and the realm of the Emperor Tiberius not *reiki*, but *thiudinassus*. In the name of the Gothic *thiudans*, or king, as we inaccurately translate it, Thiudareiks, Theodorich, that is, Dietrich, both names flow together. [*Note by Engels.*]

ciety in which they originated and which still surrounded them on all sides. And though the naturally developed patrician nobility had already gained ground, though the *reges* attempted gradually to enlarge the scope of their powers—this does not change the original and fundamental character of the constitution and this alone matters.

Meanwhile, the population of the city of Rome and of the Roman territory, enlarged by conquest, increased, partly by immigration, partly through the inhabitants of the subjugated, mostly Latin, districts. All these new subjects (we leave out the question of the clients for the moment) were outside of the old gentes, *curiae* and tribes, and so were not part of the *populus Romanus*, the Roman people proper. They were personally free, could own land, had to pay taxes and were liable to military service. But they were not eligible for office and could neither participate in the assembly of *curiae* nor in the distribution of conquered state lands. They constituted the plebs, excluded from all public rights. Owing to their continually increasing numbers, their military training and armament, they became a menace to the old *populus* who had now closed their ranks hermetically against all increase. The land, moreover, seems to have been fairly evenly divided between *populus* and plebs, while the mercantile

and industrial wealth, though as yet not very considerable, may have been mainly in the hands of the plebs.

In view of the utter darkness that enshrouds the whole legendary origin of Rome's historical beginning—a darkness intensified by the rationalistic-pragmatic attempts at interpretation and reports of later legally trained authors whose works serve us as source material—it is impossible to make any definite statements about the time, the course and the causes of the revolution that put an end to the old gentile constitution. The only thing we are certain of is that its causes lay in the conflicts between the plebs and the *populus*.

The new constitution, attributed to *rex* Servius Tullius and based on the Grecian model, more especially that of Solon, created a new popular assembly including or excluding all, *populus* and plebeians alike, according to whether they rendered military service or not. The whole male population liable to military service was divided into six classes, according to wealth. The minimum property qualifications in the first five classes were, respectively: I, 100,000 asses; II, 75,000 asses; III, 50,000 asses; IV, 25,000 asses; V, 11,000 asses; which, according to Dureau de la Malle, is equal to about 14,000, 10,500, 7,000, 3,600 and 1,570 marks, respectively. The sixth class, the prole-

tarians, consisted of those who possessed less and were exempt from military service and taxation. In the new assembly of *centuriae* (*comitia centuriata*) the citizens formed ranks after the manner of soldiers, in companies of one hundred (*centuria*), and each *centuria* had one vote. The first class placed 80 *centuriae* in the field; the second 22, the third 20, the fourth 22, the fifth 30 and the sixth, for propriety's sake, one. To these were added 18 *centuriae* of horsemen composed of the most wealthy; altogether 193. For a majority, 97 votes were required. But the horsemen and the first class alone had together 98 votes, thus being in the majority; when they were united valid decisions were made without even asking the other classes.

Upon this new assembly of *centuriae* now devolved all the political rights of the former assembly of *curiae* (a few nominal ones excepted); the *curiae* and the gentes composing them were thereby, as was the case in Athens, degraded to the position of mere private and religious associations and as such they still vegetated for a long time, while the assembly of *curiae* soon fell into oblivion. In order to eliminate the three old gentile tribes, too, from the state, four territorial tribes were introduced, each tribe inhabiting one quarter of the city and receiving certain political rights.

Thus, in Rome also, the old social order based on personal ties of blood was destroyed even before the abolition of the so-called kingdom, and a new constitution, based on territorial division and distinction of wealth, a real state constitution, took its place. The public power here consisted of the citizenry liable to military service, and was directed not only against the slaves, but also against the so-called proletarians, who were excluded from military service and the right to carry arms.

The new constitution was merely further developed upon the expulsion of the last *rex*, Tarquinius Superbus, who had usurped real royal power, and the institution, in place of the *rex*, of two military commanders (consuls) with equal powers (as among the Iroquois). Within this constitution moved the whole history of the Roman republic with all its struggles between patricians and plebeians for admission to office and a share in the state lands; and the final dissolution of the patrician nobility in the new class of big land and money owners, who gradually absorbed all the land of the peasants ruined by military service, cultivated with the aid of slaves the enormous new tracts thus created, depopulated Italy, and thus opened the gates not only to imperial rule, but also to its successors, the German barbarians.

VII

THE GENS AMONG THE CELTS AND GERMANS

Space prevents us from going into the gentile institutions still found in a more or less pure form among the most diverse savage and barbarian peoples of the present day; or into the traces of such institutions found in the ancient history of civilized nations in Asia. One or the other is met with everywhere. A few illustrations may suffice: Even before the gens had been recognized it was pointed out and accurately described in its main outlines by the man who took the greatest pains to misunderstand it, McLennan, who wrote of this institution among the Kalmucks, the Circassians, the Samoyeds and three Indian peoples: the Waralis, the Magars and the Munniporees. Recently it was described by Maxim Kovalevsky, who discovered it among the Pshavs, Khevsurs, Svanetains and other Caucasian tribes. Here we shall confine ourselves to a few brief notes on the existence of the gens among Celts and Germans.

The oldest Celtic laws that have come down to our day show the gens still in full vitality. In Ireland it is alive, at least instinctively, in the popular mind to this day, after the English forcibly blew it up. It was still in full bloom in

Scotland in the middle of the last century, and here, too, it succumbed only to the arms, laws and courts of the English.

The old Welsh laws, written several centuries before the English Conquest, not later than the eleventh century, still show communal field agriculture of whole villages, although only as exceptions and as the survival of a former universal custom. Every family had five acres for its own cultivation; another plot was at the same time cultivated in common and its yield divided. Judging by the Irish and Scotch analogies there cannot be any doubt that these village communities represent gentes or subdivisions of gentes, even though a reinvestigation of the Welsh laws, which I cannot undertake for lack of time (my notes are from 1869), should not directly corroborate this. The thing, however, that the Welsh sources, and the Irish, do prove directly is that among the Celts the pairing family had not yet given way by far to monogamy in the eleventh century. In Wales, marriage did not become indissoluble, or rather did not cease to be subject to notice of dissolution, until after seven years. Even if only three nights were wanting to make up the seven years, a married couple could still separate. Then their property was divided between them: the woman divided, the man made his choice. The furniture was divided according to certain

very funny rules. If the marriage was dissolved by the man, he had to return the woman's dowry and a few other articles; if the woman desired a separation, she received less. Of the children the man was given two, the woman one, namely, the middle child. If the woman married again after her divorce, and her first husband fetched her back, she was obliged to follow him, even if she already had one foot in her new husband's bed. But if two people had lived together for seven years, they were considered man and wife, even without the preliminaries of a formal marriage. Chastity among girls before marriage was by no means strictly observed, nor was it demanded; the regulations governing this subject are of an extremely frivolous nature and run counter to all bourgeois morals. When a woman committed adultery, her husband had a right to beat her—this was one of three cases when he could do so without incurring a penalty—but after that he could not demand any other redress, for "the same offence shall either be atoned for or avenged, but not both." The reasons that entitled a woman to a divorce without detriment to her rights at the settlement were of a very diverse nature: the man's foul breath was a sufficient reason. The redemption money to be paid to the tribal chief or king for the right of the first night (*gobr merch*, hence the medieval name *mar-*

cheta, French *marquette*) plays a conspicuous part in the legal code. The women had the right to vote at the popular assemblies. Add to this that similar conditions are shown to have existed in Ireland; that time marriages were also quite the custom there, and that the women were assured of liberal and well-defined privileges in case of separation, even to the point of remuneration for domestic services; that a "first wife" existed by the side of others, and in dividing a decedent's property no distinction was made between legitimate and illegitimate children—and we have a picture of the pairing family compared with which the form of marriage valid in North America seems strict; but this is not surprising in the eleventh century for a people which in Caesar's time was still living in group marriage.

The Irish gens (*sept*; the tribe was called *clainne*, clan) is confirmed and described not only by the ancient law-books, but also by the English jurists of the seventeenth century who were sent across for the purpose of transforming the clan lands into domains of the King of England. Up to this time, the land had been the common property of the clan or gens, except where the chiefs had already converted it into their private domain. When a gentile died, and a household was thus dissolved, the gentile chief (called *caput cognationis* by the English

jurists) redistributed the whole gentile land among the other households. This distribution must in general have taken place according to rules such as were observed in Germany. We still find a few villages—very numerous forty or fifty years ago—with fields held in so-called rundale. Each of the peasants, individual tenants on the soil that once was the common property of the gens but had been seized by the English conquerors, pays rent for his particular plot, but all the arable and meadow land is combined and shared out, according to situation and quality, in strips, or "*Gewanne*," as they are called on the Mosel, and each one receives a share of each *Gewann*. Moorland and pastures are used in common. As recently as fifty years ago, redivision was still practised occasionally, sometimes annually. The map of such a rundale village looks exactly like that of a German community of farming households [*Gehöferschaft*] on the Mosel or in the Hochwald. The gens also survives in the "factions." The Irish peasants often form parties that seem to be founded on absolutely absurd and senseless distinctions and are quite incomprehensible to Englishmen. The only purpose of these factions is apparently to rally for the popular sport of solemnly beating the life out of one another. They are artificial reincarnations, later substitutes for the blasted gentes that in their

own peculiar way demonstrate the continuation of the inherited gentile instinct. Incidentally, in some localities members of the same gens still live together on what is practically their old territory. During the thirties, for instance, the great majority of the inhabitants of the country of Monaghan had only four family names, that is, were descended from four gentes, or clans.[1]

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[1] During a few days that I spent in Ireland, I again realized to what extent the rural population there is still living in the conceptions of the gentile period. The landlord, whose tenant the peasant is, is still considered by the latter as a sort of clan chief who supervises the cultivation of the soil in the interest of all, is entitled to tribute from the peasant in the form of rent, but also has to assist the peasant in cases of need. Likewise, everyone in comfortable circumstances is considered under obligation to help his poorer neighbours whenever they are in distress.

Such assistance is not charity; it is what the poor clansman is entitled to by right from his rich fellow clansman or clan chief. This explains why political economists and jurists complain of the impossibility of inculcating the modern idea of bourgeois property into the minds of the Irish peasants. Property that has only rights, but no duties, is absolutely beyond the ken of the Irishman. No wonder so many Irishmen with such naïve gentile conceptions, who are suddenly cast into the modern great cities of England and America, among a population with entirely different moral and legal standards, become utterly confused in their views of morals and justice, lose all hold and often succumb to demoralization in masses. [*Note by Engels to the fourth edition.*]

The downfall of the gentile order in Scotland dates from the suppression of the rebellion of 1745. Precisely what link in this order the Scotch clan represents remains to be investigated; no doubt it is a link. Walter Scott's novels bring the clan in the Highlands of Scotland vividly before our eyes. It is, as Morgan says, "an excellent type of the gens in organization and in spirit, and an extraordinary illustration of the power of the gentile life over its members.... We find in their feuds and blood revenge, in their localization by gentes, in their use of lands in common, in the fidelity of the clansman to his chief and of the members of the clan to each other, the usual and persistent features of gentile society.... Descent was in the male line, the children of the males remaining members of the clan, while the children of its female members belonged to the clans of their respective fathers." The fact that mother right was formerly in force in Scotland is proved by the royal family of the Picts, in which, according to Bede, inheritance in the female line prevailed. We even see evidences of the punaluan family preserved among the Scots as well as the Welsh until the Middle Ages in the right of the first night, which the chief of the clan or the king, the last representative of the former common husbands, could claim with every bride, unless redeemed.

That the Germans were organized in gentes up to the time of the migration of peoples is an indisputable fact. Evidently they settled in the territory between the Danube, the Rhine, the Vistula and the northern seas only a few centuries before our era; the Cimbri and Teutoni were still in full migration, and the Suevi did not settle down until Caesar's time. Caesar expressly states that they settled down in gentes and kinships (*gentibus cognationibusque*), and in the mouth of a Roman of the Julia gens the word *gentibus* has a definite meaning that cannot possibly be misconstrued. This holds good for all Germans; even the settling of the conquered Roman provinces appears to have proceeded still in gentes. The Alamannian Law confirms the fact that the people settled on the conquered land south of the Danube in gentes (*genealogiae*); *genealogia* is used in exactly the same sense as *Mark* or *Dorfgenossenschaft*[1] was used later. Recently Kovalevsky has expressed the view that these *genealogiae* were large household communities among which the land was divided, and from which the village communities developed later on. The same may be true of the *fara*, the term which the Burgun-

[1] Village community.—*Ed.*

dians and Langobards—a Gothic and a Herminonian, or High German, tribe—applied to nearly, if not exactly, the same thing that in the Alamannian book of laws is called *genealogia*. Whether this really represents the gens or the household community is a matter that must be further investigated.

The language records leave us in doubt as to whether all the Germans had a common term for gens, and if so, what term. Etymologically, the Greek *genos*, the Latin *gens*, corresponds to the Gothic *kuni*, Middle High German *künne*, and is used in the same sense. We are led back to the time of mother right by the fact that the terms for "woman" are derived from the same root: Greek *gynê*, Slav *zena*, Gothic *qvino*, Old Norse *kona, kuna*. Among Langobards and Burgundians we find, as stated, the term, *fara*, which Grimm derives from the hypothetical root *fisan*, to beget. I should prefer to trace it to the more obvious root *faran*, *fahren*, to wander, to go back, a term which designates a certain well-defined section of the nomadic train, composed, it almost goes without saying, of relatives; a term which, in the course of centuries of wandering, first to the East and then to the West, was gradually applied to the gentile community itself. Further, there is the Gothic *sibja*, Anglo-Saxon *sib*, Old High German *sippia*, *sippa*,

Sippe.[1] Old Norse has only the plural *sifjar,* relatives; the singular occurs only as the name of a goddess, *Sif.* Finally, another expression occurs in the Hildebrand Song, where Hildebrand asks Hadubrand "who is your father among the men of the people ... or what is your kin?" (*eddo huêlîhhes cnuosles du sîs*). If there was a common German term for gens, it might well have been the Gothic *kuni,* this is not only indicated by its identity with the corresponding term in kindred languages, but also by the fact that the word *kuning, König,* which originally signified chief of gens or tribe, is derived from it. *Sibja, Sippe,* does not appear worthy of consideration; in Old Norse, at least, *sifjar* signified not only relatives by blood, but also by marriage; hence it comprises the members of at least *two gentes*; thus the term *sif* cannot have been the term for gens.

Among the Germans, as among the Mexicans and Greeks, the horsemen as well as the wedge-like columns of infantry were grouped in battle array by gentes. When Tacitus says: by families and kinships, the indefinite expression he uses is explained by the fact that in his time the gens had long ceased to be a living association in Rome.

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[1] Kinsfolk.—*Ed.*

Of decisive significance is a passage in Tacitus where he says: The mother's brother regards his nephew as his son; some even hold that the blood tie between the maternal uncle and the nephew is more sacred and close than that between father and son, so that when hostages are demanded the sister's son is considered a better pledge than the natural son of the man whom they desire to place under bond. Here we have a living survival of the mother-right, and hence original, gens, and it is described as something which particularly distinguishes the Germans.[1] If a member of such a

[1] The Greeks know only in the mythology of the Heroic Age the special intimacy of the bond between the maternal uncle and his nephew, a relic of mother right found among many peoples. According to Diodorus, IV, 34, Meleager kills the sons of Thestius, the brothers of his mother Althea. The latter regards this deed as such a heinous crime that she curses the murderer, her own son, and prays for his death. It is related that "the gods fulfilled her wish and ended Meleager's life." According to the same author (Diodorus, IV, 44), the Argonauts under Herakles landed in Thracia and there found that Phineus, at the instigation of his second wife, shamefully maltreats his two sons by his first, deserted wife, Cleopatra, the Boread. But among the Argonauts there are also some Boreades, the brothers of Cleopatra, the maternal uncles, therefore, of the maltreated boys. They at once come to their nephews' aid, set them free and kill their guards. [*Note by Engels.*]

gens gave his own son as a pledge for an obligation he had undertaken, and if this son became the victim of his father's breach of faith, that was the concern of the father alone. When the son of a sister was sacrificed, however, then the most sacred gentile law was violated. The next of kin, who was bound above all others to protect the boy or young man, was responsible for his death; he should either have refrained from giving the boy as a pledge, or have kept the contract. If we had no other trace of gentile organization among the Germans, this one passage would be sufficient proof.

Still more decisive, as it comes about eight hundred years later, is a passage in the Old Norse song about the twilight of the gods and the end of the world, the *Völuspâ*. In this "Vision of the Seeress," in which, as Bang and Bugge have now shown, also elements of Christianity are interwoven, the description of the period of universal depravity and corruption preceding the cataclysm contains this passage:

Broedhr munu berjask *ok at bönum verdask,*
munu systrungar *sifjum spilla.*

"Brothers will wage war against one another and become each other's slayers, and *sisters' children* will break the bonds of kinship." *Systrungar* means son of the mother's sister, and

in the poet's eyes, the repudiation by such of blood relationship caps the climax of the crime of fratricide. The climax lies in *systrungar*, which emphasizes the kinship on the maternal side. If the term *syskina-börn*, brother's and sister's children, or *syskina-synir*, brother's and sister's sons, had been used, the second line would not have been a crescendo as against the first but a weakening diminuendo. Thus, even in the time of the Vikings, when the *Vö-luspâ* was composed, the memory of mother right was not yet obliterated in Scandinavia.

For the rest, in Tacitus' time, at least among the Germans with whom he was more familiar, mother right had already given way to father right: the children were the heirs of the father; in the absence of children, the brothers and the paternal and maternal uncles were the heirs. The admission of the mother's brother to inheritance is connected with the preservation of the above-mentioned custom, and also proves how recent father right was among the Germans at that time. We find traces of mother right even late in the Middle Ages. In this period fatherhood was still a matter of doubt, especially among serfs, and when a feudal lord demanded the return of a fugitive serf from a city, it was required, for instance, in Augsburg, Basel and Kaiserslautern, that the fact of his serfdom should be established by the oaths of six of his immed-

iate blood relatives, exclusively on his mother's side. (Maurer, *Urban Constitution*, I,[1] p. 381.)

Another relic of mother right, then beginning to fall into decay, was the, from the Roman standpoint almost inexplicable, respect the Germans had for the female sex. Girls of noble family were regarded as the best hostages guaranteeing the keeping of contracts with Germans. In battle, nothing stimulated their courage so much as the horrible thought that their wives and daughters might be captured and carried into slavery. They regarded the woman as being holy and something of a prophetess, and they heeded her advice in the most important matters. Veleda, the Bructerian priestess on the Lippe River, was the moving spirit of the whole Batavian insurrection, in which Civilis, at the head of Germans and Belgians, shook the foundations of Roman rule in Gaul. The women appear to have held undisputed sway in the house. Tacitus says that they, with the old men and children, had, of course, to do all the work, for the men went hunting, drank and loafed; but he does not say who cultivated the fields, and as according to his explicit statement the slaves only paid dues and performed no compulsory labour, it would appear that what little agricul-

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[1] G. L. Maurer, *Geschichte der Städteverfassung in Deutschland*, Bd. I-IV, Erlangen 1869-71.—*Ed.*

tural work was required had to be performed by the bulk of the adult men.

As was stated above, the form of marriage was the pairing family gradually approximating to monogamy. It was not yet strict monogamy, for polygamy was permitted to the notability. On the whole (unlike the Celts) they insisted on strict chastity among girls. Tacitus speaks with particular warmth of the inviolability of the matrimonial bond among the Germans. He gives adultery on the part of the woman as the sole reason of a divorce. But his report contains many gaps here, and furthermore, it too openly holds up the mirror of virtue to the dissipated Romans. So much is certain: if the Germans in their forests were such exceptional models of virtue, only a slight contact with the outer world was required to bring them down to the level of the other, average, Europeans. In the whirl of Roman life the last trace of strict morality disappeared even faster than the German language. It is enough to read Gregory of Tours. It goes without saying that refined voluptuousness could not exist in the primeval forests of Germany as it did in Rome, and so in this respect also the Germans were superior enough to the Roman world without ascribing to them a continence in carnal matters that has never prevailed among any people as a whole.

From the gentile system arose the obligation

to inherit the feuds as well as the friendships of one's father and relatives; and also *wergild*, the fine paid in atonement for murder or injury, in place of blood revenge. A generation ago this *wergild* was regarded as a specifically German institution, but it has since been proved that hundreds of peoples practised this milder form of blood revenge which had its origin in the gentile system. Like the obligation of hospitality, it is found, for instance, among the American Indians. Tacitus' description of the manner in which hospitality was observed (*Germania*, c. 21) is almost identical, even in details, with Morgan's relating to his Indians.

The heated and ceaseless controversy as to whether or not the Germans in Tacitus' time had already finally divided up the cultivated land and how the pertinent passages should be interpreted is now a thing of the past. After it had been established that the cultivated land of nearly all peoples was tilled in common by the gens and later on by communistic family communities, a practice which Caesar still found among the Suevi; that later the land was allotted and periodically re-allotted to the individual families; and that this periodical re-allotment of the cultivated land has been preserved in parts of Germany down to this day, we need not waste any more breath on the subject. If the Germans in one hundred and fifty years passed from com-

mon cultivation, such as Caesar expressly attributes to the Suevi—they have no divided or private tillage whatsoever, he says—to individual cultivation with the annual redistribution of the land in Tacitus' time, it is surely progress enough; a transition from that stage to the complete private ownership of land in such a short period and without any outside intervention was an utter impossibility. Hence I can read in Tacitus only what he states in so many words: They change (or redivide) the cultivated land every year, and enough common land is left in the process. It is the stage of agriculture and appropriation of the soil which exactly tallies with the gentile constitution of the Germans of that time.

I leave the preceding paragraph unchanged, just as it stood in former editions. Meantime the question has assumed another aspect. Since Kovalevsky has demonstrated (see above, p. 44[1]) that the patriarchal household community was wide-spread, if not universal, as the connecting link between the mother-right communistic family and the modern isolated family, the question is no longer whether the land was common or private property, as was still discussed between Maurer and Waitz, but what

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[1] The page indicated by Engels is that of the fourth German edition. See p. 94 of this volume.—*Ed.*

form common property assumed. There is no doubt whatever that in Caesar's time the Suevi not only owned their land in common, but also tilled it in common for common account. The questions whether their economic unit was the gens or the household community or an intermediate communistic kinship group, or whether all three of these groups existed as a result of different local land conditions will remain subjects of controversy for a long time yet. Kovalevsky maintains that the conditions described by Tacitus were not predicated on the mark or village community, but on the household community, which, much later, developed into the village community, owing to the growth of the population.

Hence, it is claimed, the German settlements on the territory they occupied in the time of the Romans, and on the territory they later took from the Romans, must have been not villages, but large family communities comprising several generations, which cultivated a correspondingly large tract of land and used the surrounding wild land as a common mark with their neighbours. The passage in Tacitus concerning the changing of the cultivated land would then actually have an agronomic meaning, namely, that the community cultivated a different piece of land every year, and the land cultivated during the previous year was left fallow or entirely

abandoned. The sparsity of the population would have left enough spare wild land to make all disputes about land unnecessary. Only after the lapse of centuries, when the members of the household had increased to such an extent that common cultivation became impossible under prevailing conditions of production, did the household communities allegedly dissolve. The former common fields and meadows were then divided in the well-known manner among the various individual households that had now formed, at first periodically, and later once for all, while forests, pastures and bodies of water remained common property.

As far as Russia is concerned, this process of development appears to have been fully proved historically. As for Germany, and secondarily, for other Germanic countries, it cannot be denied that, in many respects, this view affords a better interpretation of the sources and an easier solution of difficulties than the former idea of tracing the village community down to the time of Tacitus. The oldest documents, for instance, the *Codex Laureshamensis*,[1] are on the whole more easily explained by the household community than by the village mark community. On the other hand, it presents new difficulties and new

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[1] *Codex Laureshamensis*: Land register of the city of Lorch.—*Ed.*

problems that need solution. Here, only further investigation can decide. I cannot deny, however, that it is highly probable that the household community was also the intermediate stage in Germany, Scandinavia and England.

While in Caesar the Germans had partly just taken up settled abodes, and partly were still seeking such, they had been settled for a full century in Tacitus' time; the resulting progress in the production of means of subsistence is unmistakable. They lived in log houses; their clothing was still of the primitive forest type, consisting of rough woolen cloaks and animal skins, and linen underclothing for the women and the notables. They lived on milk, meat, wild fruit and, as Pliny adds, oatmeal porridge (the Celtic national dish in Ireland and Scotland to this day). Their wealth consisted of cattle, of an inferior breed, however, the animals being small, uncouth and hornless; the horses were small ponies, not fast runners. Money, Roman coin only, was little and rarely used. They made no gold or silver ware, nor did they attach any value to these metals. Iron was scarce and, at least among the tribes on the Rhine and the Danube, was apparently almost wholly imported, not mined by themselves. The runic script (imitations of Greek and Latin letters) was only used as a secret code and exclusively for religious sorcery. Human sacrifices were still in

vogue. In short, they were a people just emerged from the middle stage of barbarism into the upper stage. While, however, the tribes whose immediate contact with the Romans facilitated the import of Roman industrial products were thereby prevented from developing a metal and textile industry of their own, there is not the least doubt that the tribes of the North-East, on the Baltic, developed these industries. The pieces of armour found in the bogs of Schleswig—a long iron sword, a coat of mail, a silver helmet, etc., together with Roman coins from the close of the second century—and the German metal ware spread by the migration of peoples represent a peculiar type of fine workmanship, even such as were modelled after Roman originals. With the exception of England, emigration to the civilized Roman Empire everywhere put an end to this native industry. How uniformly this industry arose and developed is shown, for instance, by the bronze spangles. The specimens found in Burgundy, in Rumania and along the Azov Sea might have been produced in the very same workshop as the British and the Swedish, and are likewise of undoubtedly Germanic origin.

Their constitution was also in keeping with the upper stage of barbarism. According to Tacitus, there was commonly a council of chiefs (*principes*) which decided matters of minor importance and prepared important matters for

the decision of the popular assembly. The latter, in the lower stage of barbarism, at least in places where we know it, among the Americans, was held only in the gens, not yet in the tribe or the confederacy of tribes. The council chiefs (*principes*) were still sharply distinguished from the war chiefs (*duces*), just as among the Iroquois. The former were already living, in part, on honorary gifts, such as cattle, grain, etc., from their fellow tribesmen. As in America they were generally elected from the same family. The transition to father right favoured, as in Greece and Rome, the gradual transformation of elective office into hereditary office, thus giving rise to a noble family in each gens. Most of this old, so-called tribal nobility disappeared during the migration of peoples, or shortly after. The military leaders were elected solely on their merits, irrespective of birth. They had little power and had to rely on force of example. As Tacitus explicitly states, actual disciplinary power in the army was held by the priests. The popular assembly was the real power. The king or tribal chief presided; the people decided: a murmur signified "no," acclamation and clanging of weapons meant "aye." The popular assembly was also the court of justice. Complaints were brought up here and decided; and death sentences were pronounced, the latter only in cases of cowardice, treason or unnatural vices. The

gentes and other subdivisions also judged in a body, presided over by the chief, who, as in all original German courts, could be only director of the proceedings and questioner. Among the Germans, always and everywhere, sentence was pronounced by the entire community.

Confederacies of tribes came into existence from Caesar's time. Some of them already had kings. The supreme military commander began to aspire to despotic power, as among the Greeks and Romans, and sometimes succeeded in achieving it. These successful usurpers were by no means absolute rulers; nevertheless, they began to break the fetters of the gentile constitution. While freed slaves generally occupied an inferior position, because they could not be members of any gens, they often gained rank, wealth and honours as favourites of the new kings. The same occurred after the conquest of the Roman Empire in the case of the military leaders who had now become kings of large countries. Among the Franks, the king's slaves and freedmen played a great role first at court and then in the state; a large part of the new aristocracy was descended from them.

There was one institution that especially favoured the rise of royalty: the retinue. We have already seen how among the American Redskins private associations were formed alongside of the gens for the purpose of waging war on their

own. Among the Germans, these private associations had developed into standing bodies. The military commander who had acquired fame gathered around his person a host of booty-loving young warriors pledged to loyalty to him personally, as he was to them. He fed them, gave them gifts and organized them on hierarchical principles: a body-guard and a troop ready for immediate action in short expeditions, a trained corps of officers for larger campaigns. Weak as these retinues must have been, as indeed they proved to be later, for example, under Odoacer in Italy, they, nevertheless, served as the germ of decay of the old popular liberties, and proved to be such during and after the migration of peoples. Because, first, they created favourable soil for the rise of the royal power. Secondly, as Tacitus observed, they could be held together only by continuous warfare and plundering expeditions. Loot became the main object. If the chieftain found nothing to do in his neighbourhood, he marched his troops to other countries, where there was war and the prospect to booty. The German auxiliaries, who under the Roman standard even fought Germans in large numbers, partly consisted of such retinues. They were the first germs of the Landsknecht[1] system, the shame and curse of

[1] Mercenary soldiers.—*Ed.*

the Germans. After the conquest of the Roman Empire, these kings' retainers, together with the bonded and the Roman court attendants, formed the second main constituent part of the nobility of later days.

In general, then, the German tribes, combined into peoples, had the same constitution that had developed among the Greeks of the Heroic Age and among the Romans at the time of the so-called kings: popular assemblies, councils of gentile chiefs and military commanders who were already aspiring to real kingly power. It was the most highly developed constitution the gentile order could produce; it was the model constitution of the higher stage of barbarism. As soon as society passed beyond the limits for which this constitution sufficed, the gentile order was finished. It burst asunder and the state took its place.

VIII

THE FORMATION OF THE STATE AMONG THE GERMANS

According to Tacitus the Germans were a very numerous people. An approximate idea of the strength of the different German peoples is given by Caesar; he puts the number of Usipetans and Tencterans, who appeared on the

left bank of the Rhine, at 180,000, including women and children. Thus, about 100,000 to a single people,[1] considerably more than, say, the Iroquois numbered in their most flourishing period, when not quite 20,000 became the terror of the whole country, from the Great Lakes to the Ohio and Potomac. If we were to attempt to group on a map the individual peoples of the Rhine country, who are better known to us from reports, we would find that such a people would occupy on the average the area of a Prussian administrative district, about 10,000 square kilometres, or 182 geographical square miles. The *Germania Magna*[2] of the Romans, reaching to the Vistula, comprised, however, roundly 500,000 square kilometres. Counting an average of 100,000 for any single people, the total population of *Germania Magna* would have amounted to five million—a rather high figure for a barbarian group of peoples, although 10 inhabitants to the square kilometre, or 550 to the geographical square mile, is very

[1] The number taken here is confirmed by a passage in Diodorus on the Celts of Gaul: "In Gaul live numerous peoples of unequal strength. The biggest of them numbers about 200,000, the smallest 50,000." (Diodorus Siculus, V, 25.) That gives an average of 125,000. The individual Gallic peoples, being more highly developed, must certainly have been more numerous than the German. [*Note by Engels.*]

[2] *Germania Magna*: Greater Germany.—*Ed.*

little when compared with present conditions. But this does not include all the Germans then living. We know that German peoples of Gothic origin, Bastarnians, Peukinians and others, lived along the Carpathian Mountains all the way down to the mouth of the Danube. They were so numerous that Pliny designated them as the fifth main tribe of the Germans; in 180 B.C. they were already serving as mercenaries of the Macedonian King Perseus, and in the first years of the reign of Augustus they were still pushing their way as far as the vicinity of Adrianople. If we assume that they numbered only one million, then, at the beginning of the Christian era, the Germans numbered probably not less than six million.

After settling in Germany [*Germanien*], the population must have grown with increasing rapidity. The industrial progress mentioned above is sufficient to prove it. The objects found in the bogs of Schleswig, to judge by the Roman coins found with them, date from the third century. Hence at that time the metal and textile industry was already well developed on the Baltic, a lively trade was carried on with the Roman Empire, and the wealthier class enjoyed a certain luxury—all evidences of a greater density of population. At this time, however, the Germans started their general assault along the whole line of the Rhine, the Ro-

man frontier rampart and the Danube, a line stretching from the North Sea to the Black Sea —direct proof of the ever-growing population striving outwards. During the three centuries of struggle, the whole main body of the Gothic peoples (with the exception of the Scandinavian Goths and the Burgundians) moved towards the South-East and formed the left wing of the long line of attack; the High Germans (Herminonians) pushed forward in the centre of this line, on the Upper Danube, and the Istaevonians, now called Franks, on the right wing, along the Rhine. The conquest of Britain fell to the lot of the Ingaevonians. At the end of the fifth century the Roman Empire, exhausted, bloodless and helpless, lay open to the invading Germans.

In preceding chapters we stood at the cradle of ancient Greek and Roman civilization. Now we are standing at its grave. The levelling plane of Roman world power had been passing for centuries over all the Mediterranean countries. Where the Greek language offered no resistance all national languages gave way to a corrupt Latin. There were no longer any distinctions of nationality, no more Gauls, Iberians, Ligurians, Noricans; all had become Romans. Roman administration and Roman law had everywhere dissolved the old bodies of *consanguinei* and thus crushed the last remnants of local and na-

tional self-expression. The new-fangled Romanism could not compensate for this loss; it did not express any nationality, but only lack of nationality. The elements for the formation of new nations existed everywhere. The Latin dialects of the different provinces diverged more and more; the natural boundaries that had once made Italy, Gaul, Spain, Africa independent territories, still existed and still made themselves felt. Yet nowhere was there a force capable of combining these elements into new nations; nowhere was there the least trace of any capacity for development or any power of resistance, much less of creative power. The immense human mass of that enormous territory was held together by one bond alone—the Roman state; and this, in time, had become their worst enemy and oppressor. The provinces had ruined Rome; Rome itself had become a provincial town like all the others, privileged, but no longer ruling, no longer the centre of the world empire, no longer even the seat of the emperors and vice-emperors, who lived in Constantinople, Treves and Milan. The Roman state had become an immense complicated machine, designed exclusively for the exploitation of its subjects. Taxes, services for the state and levies of all kinds drove the mass of the people deeper and deeper into poverty. The extortionate practices of the procurators,

tax collectors and soldiers caused the pressure to become intolerable. This is what the Roman state with its world domination had brought things to: it had based its right to existence on the preservation of order in the interior and protection against the barbarians outside. But its order was worse than the worst disorder, and the barbarians, against whom the state pretended to protect its citizens, were hailed by them as saviours.

Social conditions were no less desperate. During the last years of the republic, Roman rule was already based on the ruthless exploitation of the conquered provinces. The emperors had not abolished this exploitation; on the contrary, they had regularized it. The more the empire fell into decay, the higher rose the taxes and compulsory services, and the more shamelessly the officials robbed and blackmailed the people. Commerce and industry were never the business of the Romans who lorded it over entire peoples. Only in usury did they excel all others, before and after them. The commerce that existed and managed to maintain itself for a time was reduced to ruin by official extortion; what survived was carried on in the eastern, Grecian part of the empire, but this is beyond the scope of our study. Universal impoverishment; decline of commerce, handicrafts, the arts, and of the population; decay of the towns;

retrogression of agriculture to a lower stage—this was the final result of Roman world supremacy.

Agriculture, the decisive branch of production throughout antiquity, now became so more than ever. In Italy, the immense aggregations of estates (*latifundia*) which had covered nearly the whole territory since the end of the republic, had been utilized in two ways: either as pastures, on which the population had been replaced by sheep and oxen, the care of which required only a few slaves; or as country estates, on which large-scale horticulture had been carried on with masses of slaves, partly to serve the luxurious needs of the owners and partly for sale in the urban markets. The great pastures had been preserved and probably even enlarged. But the country estates and their horticulture fell into ruin owing to the impoverishment of their owners and the decay of the towns. Latifundian economy based on slave labour was no longer profitable; but at that time it was the only possible form of large-scale agriculture. Small-scale farming again became the only profitable form. Estate after estate was parcelled out and leased in small lots to hereditary tenants, who paid a fixed sum, or to *partiarii*, farm managers rather than tenants, who received one-sixth or even one-ninth of the year's product for their work. Mainly,

however, these small plots were distributed to *coloni*, who paid a fixed amount annually, were attached to the land and could be sold together with the plots. These were not slaves, but neither were they free; they could not marry free citizens, and intermarriage among themselves was not regarded as valid marriage, but as mere concubinage (*contubernium*), as in the case of the slaves. They were the forerunners of the medieval serfs.

The slavery of antiquity became obsolete. Neither in large-scale agriculture in the country, nor in the manufactories of the towns did it any longer bring in a return worth while—the market for its products had disappeared. Small-scale agriculture and small handicrafts, to which the gigantic production of the flourishing times of the empire was now reduced, had no room for numerous slaves. Society found room only for the domestic and luxury slaves of the rich. But moribund slavery was still sufficiently virile to make all productive work appear as slave labour, unworthy of the dignity of free Romans—and everybody was now a free Roman. On this account, on the one hand, there was an increase in the number of superfluous slaves who, having become a drag, were emancipated; on the other hand, there was an increase in the number of *coloni* and of beggared freemen (similar to the poor

whites in the ex-slave states of America). Christianity is perfectly innocent of this gradual dying out of ancient slavery. It had partaken of the fruits of slavery in the Roman Empire for centuries, and later did nothing to prevent the slave trade of Christians, either of the Germans in the North, or of the Venetians on the Mediterranean, or the Negro slave trade of later years.[1] Slavery no longer paid, and so it died out; but dying slavery left behind its poisonous sting by branding as ignoble the productive work of the free. This was the blind alley in which the Roman world was caught: slavery was economically impossible, while the labour of the free was under a moral ban. The one could no longer, the other could not yet, be the basic form of social production. Only a complete revolution could be of help here.

Things were no better in the provinces. Most of the reports we have concern Gaul. By the side of the *coloni*, free small peasants still existed there. In order to protect themselves against the brutal extortions of the officials, judges and usurers, they frequently placed themselves under the protection, the patronage, of men possessed of power; and they did this not only

[1] According to Bishop Liutprand of Cremona, the principal industry of Verdun in the tenth century, that is, in the Holy German Empire, was the manufacture of eunuchs, who were exported with great profit to Spain for the harems of the Moors. [*Note by Engels.*]

singly, but in whole communities, so much so that the emperors of the fourth century often issued decrees prohibiting this practice. How did this help those who sought this protection? The patron imposed the condition that they transfer the title of their lands to him, and in return he ensured them the usufruct of their land for life—a trick which the Holy Church remembered and freely imitated during the ninth and tenth centuries, for the greater glory of God and the enlargement of its own landed possessions. At that time, however, about the year 475, Bishop Salvianus of Marseilles still vehemently denounced such robbery and related that the oppression of the Roman officials and great landlords became so intolerable that many "Romans" fled to the districts already occupied by the barbarians, and the Roman citizens who had settled there feared nothing so much as falling under Roman rule again. That poor parents frequently sold their children into slavery in those days is proved by a law forbidding this practice.

In return for liberating the Romans from their own state, the German barbarians appropriated two-thirds of the entire land and divided it among themselves. The division was made in accordance with the gentile system; as the conquerors were relatively small in number, large tracts remained, undivided, partly in the

possession of the whole people and partly in that of the tribes or gentes. In each gens fields and pastures were distributed among the individual households in equal shares by lot. We do not know whether repeated redivisions took place at that time; at all events, this practice was soon discarded in the Roman provinces, and the individual allotment became alienable private property, allodium. Forests and pastures remained undivided for common use; this use and the mode of cultivating the divided land was regulated by ancient custom and the will of the entire community. The longer the gens existed in its village, and the more Germans and Romans merged in the course of time, the more the consanguineous character of the ties retreated before territorial ties. The gens disappeared in the mark community, in which, however, sufficient traces of the original kinship of the members were visible. Thus, the gentile constitution, at least in those countries where mark communes were preserved—in the North of France, in England, Germany and Scandinavia—was imperceptibly transformed into a territorial constitution, and thus became capable of being fitted into the state. Nevertheless, it retained the natural democratic character which distinguishes the whole gentile order, and thus preserved a piece of the gentile constitution even in its degeneration,

forced upon it in later times, thereby leaving a weapon in the hands of the oppressed, ready to be wielded even in modern times.

The rapid disappearance of the blood tie in the gens was due to the fact that its organs in the tribe and the whole people had also degenerated as a result of the conquest. We know that rule over subjugated people is incompatible with the gentile order. Here we see it on a large scale. The German peoples, masters of the Roman provinces, had to organize their conquest; but one could neither absorb the mass of the Romans into the gentile bodies nor rule them with the aid of the latter. A substitute for the Roman state had to be placed at the head of the Roman local administrative bodies, which at first largely continued to function, and this substitute could only be another state. Thus, the organs of the gentile constitution had to be transformed into organs of state, and owing to the pressure of circumstances, this had to be done very quickly. The first representative of the conquering people was, however, the military commander. The internal and external safety of the conquered territory demanded that his power be increased. The moment had arrived for transforming military leadership into kingship. This was done.

Let us take the kingdom of the Franks. Here, not only the wide dominions of the Roman

state, but also all the very large tracts of land that had not been assigned to the large and small *gau* and mark communities, especially all the large forests, fell into the hands of the victorious Salian people as their unrestricted possession. The first thing the king of the Franks, transformed from an ordinary military commander into a real monarch, did was to convert this property of the people into a royal estate, to steal it from the people and to donate or grant it in fief to his retainers. This retinue, originally composed of his personal military retainers and the rest of the subcommanders of the army, was soon augmented not only by Romans, that is, Romanized Gauls, who quickly became almost indispensable to him owing to their knowledge of writing, their education and familiarity with the Romance vernacular and literary Latin as well as with the laws of the land, but also by slaves, serfs and freedmen, who constituted his Court and from among whom he chose his favourites. All these were granted tracts of public land, first mostly as gifts and later in the form of benefices[1]—originally in most cases for the period of the life of the king—and so the basis was laid for a new nobility at the expense of the people.

[1] *Benefices*: Grants of land bestowed by the Frankish kings as reward upon members of their retinues.—*Ed.*

But this was not all. The far-flung empire could not be governed by means of the old gentile constitution. The council of chiefs, even if it had not long become obsolete, could not have assembled and was soon replaced by the king's permanent retinue. The old popular assembly was still ostensibly preserved, but more and more as an assembly of the subcommanders of the army and the newly-rising notables. The free land-owning peasants, the mass of the Frankish people, were exhausted and reduced to penury by continuous civil war and wars of conquest, the latter particularly under Charlemagne, just as the Roman peasants had been during the last period of the republic. These peasants, who originally had formed the whole army, and after the conquest of the Frankish lands had been its core, were so impoverished at the beginning of the ninth century that scarcely one out of five could provide the accoutrements of war. The former army of free peasants, called up directly by the king, was replaced by an army composed of the servitors of the newly-arisen magnates. Among these servitors were also villeins, the descendants of the peasants who formerly had acknowledged no master but the king, and a little earlier had acknowledged no master at all, not even a king. Under Charlemagne's successors the ruin of the Frankish peasantry was completed by internal

wars, the weakness of the royal power and corresponding usurpations of the magnates, whose ranks were augmented by the *gau* counts, established by Charlemagne and eager to make their office hereditary, and finally by the incursions of the Normans. Fifty years after the death of Charlemagne, the Frankish Empire lay as helpless at the feet of the Normans as four hundred years previously the Roman Empire had lain at the feet of the Franks.

Not only the external impotence, but the internal order, or rather disorder, of society, was almost the same. The free Frankish peasants found themselves in a position similar to that of their predecessors, the Roman *coloni*. Ruined by war and plunder, they had to seek the protection of the new magnates or the Church, for the royal power was too weak to protect them; they had to pay dear for this protection. Like the Gallic peasants before them, they had to transfer the property in their land to their patrons, and received it back from them as tenants in different and varying forms, but always on condition of performing services and paying dues. Once driven into this form of dependence, they gradually lost their personal freedom; after a few generations most of them became serfs. How rapidly the free peasants were degraded is shown by Irminon's land records of the Abbey Saint-Germain-des-Prés, then near,

now in, Paris. Even during the life of Charlemagne, on the vast estates of this abbey, stretching into the surrounding country there were 2,788 households, nearly all Franks with German names; 2,080 of them were *coloni*, 35 liti, 220 slaves and only 8 freeholders! The custom by which the patron had the land of the peasants transferred to himself, giving to them only the usufruct of it for life, the custom denounced as ungodly by Salvianus, was now universally practised by the Church in its dealings with the peasants. Feudal servitude, now coming more and more into vogue, was modelled as much on the lines of the Roman *angariae*, compulsory services for the state, as on the services rendered by the members of the German mark in bridge and road building and other work for common purposes. Thus, it looked as if, after four hundred years, the mass of the population had come back to the point it had started from.

This proved only two things, however: First, that the social stratification and the distribution of property in the declining Roman Empire corresponded entirely to the then prevailing stage of production in agriculture and industry, and hence was unavoidable; secondly, that this stage of production had not sunk or risen to any material extent in the course of the following four hundred years, and, there-

fore, had necessarily produced the same distribution of property and the same class division of population. During the last centuries of the Roman Empire, the town lost its supremacy over the country, and did not regain it during the first centuries of German rule. This presupposes a low stage of agriculture, and of industry as well. Such a general condition necessarily gives rise to big ruling landowners and dependent small peasants. How almost impossible it was to graft either the Roman latifundian economy run with slave labour or the newer large-scale farming run with serf labour on to such a society, is proved by Charlemagne's very extensive experiments with his famous imperial estates, which passed away leaving hardly a trace. These experiments were continued only by the monasteries and were fruitful only for them; but the monasteries were abnormal social bodies founded on celibacy. They could do the exceptional, and for that very reason had to remain exceptions.

Nevertheless, progress was made during these four hundred years. Even if in the end we find almost the same main classes as in the beginning, still, the people who constituted these classes had changed. The ancient slavery had disappeared; gone were also the beggared poor freemen, who had despised work as slavish. Between the Roman *colonus* and the new

serf there had been the free Frankish peasant. The "useless reminiscences and vain strife" of doomed Romanism were dead and buried. The social classes of the ninth century had taken shape not in the bog of a declining civilization, but in the travail of a new. The new race, masters as well as servants, was a race of men compared with its Roman predecessors. The relation of powerful landlords and serving peasants, which for the latter had been the hopeless form of the decline of the world of antiquity, was now for the former the starting point of a new development. Moreover, unproductive as these four hundred years appear to have been, they, nevertheless, left *one* great product behind them: the modern nationalities, the refashioning and regrouping of West European humanity for impending history. The Germans, in fact, had infused new life into Europe; and that is why the dissolution of the states in the German period ended, not in Norse-Saracen subjugation, but in the development from the royal benefices and patronage (commendation) to feudalism, and in such a tremendous increase in the population that the drain of blood caused by the Crusades barely two centuries later could be borne without injury.

What was the mysterious charm with which the Germans infused new vitality into dying

Europe? Was it the innate magic power of the German race, as our jingo historians would have it? By no means. Of course, the Germans were a highly gifted Aryan tribe, especially at that time, in full process of vigorous development. It was not their specific national qualities that rejuvenated Europe, however, but simply —their barbarism, their gentile constitution.

Their personal efficiency and bravery, their love of liberty, and their democratic instinct, which regarded all public affairs as its own affairs, in short, all those qualities which the Romans had lost and which were alone capable of forming new states and of raising new nationalities out of the muck of the Roman world —what were they but the characteristic features of barbarians in the upper stage, fruits of their gentile constitution?

If they transformed the ancient form of monogamy, moderated male rule in the family and gave a higher status to women than the classic world had ever known, what enabled them to do so if not their barbarism, their gentile customs, their still living heritage of the time of mother right?

If they were able in at least three of the most important countries—Germany, Northern France and England—to preserve and carry over to the feudal state a piece of the genuine constitution in the form of the mark communities,

and thus give to the oppressed class, the peasants, even under the hardest conditions of medieval serfdom, local cohesion and the means of resistance which neither the slaves of antiquity nor the modern proletarians found ready at hand—to what did they owe this if not to their barbarism, their exclusively barbarian mode of settling in gentes?

And lastly, if they were able to develop and universally introduce the milder form of servitude which they had been practising at home, and which more and more displaced slavery also in the Roman Empire—a form which, as Fourier first emphasized, gave to the oppressed the means of gradual emancipation *as a class* (*fournit aux cultivateurs des moyens d'affranchissement collectif et progressif*) and is therefore far superior to slavery, which permits only of the immediate manumission of the individual without any transitory stage (antiquity did not know any abolition of slavery by a victorious rebellion), whereas the serfs of the Middle Ages, step by step, achieved their emancipation as a class—to what was this due if not their barbarism, thanks to which they had not yet arrived at complete slavery, either in the form of the ancient labour slavery or in that of the Oriental domestic slavery?

All that was vital and life-bringing in what the Germans infused into the Roman world was

barbarism. In fact, only barbarians are capable of rejuvenating a world labouring in the throes of a dying civilization. And the highest stage of barbarism, to which and in which the Germans worked their way up previous to the migration of peoples, was precisely the most favourable one for this process. This explains everything.

IX
BARBARISM AND CIVILIZATION

We have traced the dissolution of the gentile order in the three great separate examples: Greek, Roman, and German. We shall investigate, in conclusion, the general economic conditions that had already undermined the gentile organization of society in the upper stage of barbarism and completely abolished it with the advent of civilization. For this, Marx's *Capital* will be as necessary as Morgan's book.

Growing out of the middle stage and developing further in the upper stage of savagery, the gens reached its prime, as far as our sources enable us to judge, in the lower stage of barbarism. With this stage, then, we shall begin our investigation.

At this stage, for which the American Indians must serve as our example, we find the gentile system fully developed. A tribe was divided up

into several, in most cases two, gentes; with the increase of the population, these original gentes again divided into several daughter gentes, in relation to which the mother gens appeared as the phratry; the tribe itself split up into several tribes, in each of which, in most cases, we again find the old gentes. In some cases, at least, a confederacy united the kindred tribes. This simple organization was fully adequate for the social conditions from which it sprang. It was nothing more than a peculiar natural grouping, capable of smoothing out all internal conflicts likely to arise in a society organized on these lines. In the realm of the external, conflicts were settled by war, which could end in the annihilation of a tribe, but never in its subjugation. The grandeur and at the same time the limitation of the gentile order was that it found no place for rulers and ruled. In the realm of the internal, there was as yet no distinction between rights and duties; the question of whether participation in public affairs, blood revenge or atonement for injuries was a right or a duty never confronted the Indian; it would have appeared as absurd to him as the question of whether eating, sleeping or hunting was a right or a duty. Nor could any tribe or gens split up into different classes. This leads us to the investigation of the economic basis of those conditions.

The population was very sparse. It was dense only in the habitat of the tribe, surrounded by its wide hunting grounds and beyond these the neutral protective forest which separated it from other tribes. Division of labour was a pure and simple outgrowth of nature; it existed only between the two sexes. The men went to war, hunted, fished, provided the raw material for food and the tools necessary for these pursuits. The women cared for the house, and prepared food and clothing; they cooked, weaved and sewed. Each was master in his or her own field of activity; the men in the forest, the women in the house. Each owned the tools he or she made and used: the men, the weapons and the hunting and fishing tackle, the women, the household goods and utensils. The household was communistic, comprising several, and often many, families.[1] Whatever was produced and used in common was common property: the house, the garden, the long boat. Here, and only here, then, do we find the "earned property" which jurists and economists have falsely attributed to civilized society, the last mendacious legal

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[1] Especially on the North-West coast of America; see Bancroft. Among the Haidas of the Queen Charlotte Islands some households gather as many as seven hundred members under one roof. Among the Nootkas, whole tribes lived under one roof. [*Note by Engels.*]

pretext on which modern capitalist property rests.

But man did not everywhere remain in this stage. In Asia he found animals that could be domesticated and propagated in captivity. The wild buffalo cow had to be hunted down; the domestic cow gave birth to a calf once a year, and also provided milk. A number of the most advanced tribes—Aryans, Semites, perhaps also the Turanians—made the domestication, and later the raising and tending of cattle, their principal occupation. Pastoral tribes separated themselves from the general mass of the barbarians: *first great social division of labour*. These pastoral tribes not only produced more articles of food, but also a greater variety than the rest of the barbarians. They not only had milk, milk products and meat in greater abundance than the others, but also skins, wool, goat's hair, and the spun and woven fabrics which the increasing quantities of the raw material brought into commoner use. This, for the first time, made regular exchange possible. At the preceding stages, exchange could only take place occasionally; exceptional ability in the making of weapons and tools may have led to a transient division of labour. Thus, unquestionable remains of workshops for stone implements of the neolithic period have been found in many places. The artificers who developed their ability in those

workshops most probably worked for the community, as the permanent handicraftsmen of the Indian gentile communities still do. At any rate, no other exchange than that within the tribe could arise in that stage, and even that was an exception. After the crystallization of the pastoral tribes, however, we find here all the conditions favourable for exchange between members of different tribes, and for its further development and consolidation as a regular institution. Originally, tribe exchange with tribe through their respective gentile chiefs. When, however, the herds began to be converted into separate property, exchange between individuals predominated more and more, until eventually it became the sole form. The principal article which the pastoral tribes offered their neighbours for exchange was cattle; cattle became the commodity by which all other commodities were appraised, and was everywhere readily taken in exchange for other commodities—in short, cattle assumed the function of money and served as money already at this stage. Such was the necessity and rapidity with which the demand for a money commodity developed at the very beginning of commodity exchange.

Horticulture, probably unknown to the Asiatic barbarians of the lower stage, arose, among them, at the latest, at the middle stage, as the forerunner of field agriculture. The climate of

the Turanian Highlands does not admit of a pastoral life without a supply of fodder for the long and severe winter. Hence, the cultivation of meadows and grain was here indispensable. The sâme is true of the steppes north of the Black Sea. Once grain was grown for cattle, it soon became human food. The cultivated land still remained tribal property and was assigned first to the gens, which, later, in its turn distributed it to the household communities for their use, and finally to individuals; these may have had certain rights of possession, but no more.

Of the industrial achievements of this stage two are particularly important. The first is the weaving loom, the second the smelting of metal ore and the working up of metals. Copper, tin, and their alloy, bronze, were by far the most important; bronze furnished useful tools and weapons, but could not displace stone implements. Only iron could do that, but its production was as yet unknown. Gold and silver began to be used for ornament and decoration, and must already have been of far higher value than copper and bronze.

The increase of production in all branches—cattle breeding, agriculture, domestic handicrafts—enabled human labour power to produce more than was necessary for its maintenance. At the same time, it increased the amount of work that daily fell to the lot of every member

of the gens or household community or single family. The addition of more labour power became desirable. This was furnished by war; captives were made slaves. Under the given general historical conditions, the first great social division of labour, by increasing the productivity of labour, that is, wealth, and enlarging the field of production, necessarily carried slavery in its wake. Out of the first great social division of labour arose the first great division of society into two classes: masters and slaves, exploiters and exploited.

How and when the herds and flocks were converted from the common property of the tribe or gens into the property of the individual heads of families we do not know to this day; but it must have occurred, in the main, at this stage. The herds and the other new objects of wealth brought about a revolution in the family. Gaining a livelihood had always been the business of the man; he produced and owned the means therefore. The herds were the new means of gaining a livelihood, and their original domestication and subsequent tending was his work. Hence, he owned the cattle, and the commodities and slaves obtained in exchange for them. All the surplus now resulting from production fell to the man; the woman shared in consuming it, but she had no share in owning it. The "savage" warrior and hunter had been content to

occupy second place in the house and give precedence to the woman. The "gentler" shepherd, presuming upon his wealth, pushed forward to first place and forced the woman into second place. And she could not complain. Division of labour in the family had regulated the distribution of property between man and wife. This division of labour remained unchanged, and yet it now put the former domestic relationship topsy-turvy simply because the division of labour outside the family had changed. The very cause that had formerly made the woman supreme in the house, namely, her being confined to domestic work, now assured supremacy in the house for the man: the woman's housework lost its significance compared with the man's work in obtaining a livelihood; the latter was everything, the former an insignificant contribution. Here we see already that the emancipation of women and their equality with men are impossible and must remain so as long as women are excluded from socially productive work and restricted to housework, which is private. The emancipation of women becomes possible only when women are enabled to take part in production on a large, social scale, and when domestic duties require their attention only to a minor degree. And this has become possible only as a result of modern large-scale industry, which not only permits of the participation of women in

production in large numbers, but actually calls for it and, moreover, strives to convert private domestic work also into a public industry.

His achievement of actual supremacy in the house threw down the last barrier to the man's autocracy. This autocracy was confirmed and perpetuated by the overthrow of mother right, the introduction of father right and the gradual transition from the pairing family to monogamy. This made a breach in the old gentile order: the monogamous family became a power and rose threateningly against the gens.

The next step brings us to the upper stage of barbarism, the period in which all civilized peoples passed through their Heroic Age: it is the period of the iron sword, but also of the iron ploughshare and axe. Iron became the servant of man, the last and most important of all raw materials that played a revolutionary role in history, the last—if we except the potato. Iron made possible field agriculture on a larger scale and the clearing of extensive forest tracts for cultivation; it gave the craftsman a tool of such hardness and sharpness that no stone, no other known metal, could withstand it. All this came about gradually; the first iron produced was often softer than bronze. Thus, stone weapons disappeared but slowly; stone axes were still used in battle not only in the Hildebrand Song, but also at the battle of Hastings,

in 1066. But progress was now irresistible, less interrupted and more rapid. The town, inclosing houses of stone or brick within its turreted and crenellated stone walls, became the central seat of the tribe or confederacy of tribes. It marked rapid progress in the art of building; but it was also a symptom of increased danger and need for protection. Wealth increased rapidly, but it was the wealth of single individuals. Weaving, metal working and the other crafts that were becoming more and more specialized displayed increasing variety and artistic finish in their products; agriculture now provided not only cereals, leguminous plants and fruit, but also oil and wine, the preparation of which had now been learned. Such diverse activities could no longer be conducted by any single individual; *the second great division of labour* took place: handicrafts separated from agriculture. The continued increase of production and with it the increased productivity of labour enhanced the value of human labour power. Slavery, which had been a nascent and sporadic factor in the preceding stage, now became an essential part of the social system. The slaves ceased to be simply assistants, but they were now driven in scores to work in the fields and workshops. The division of production into two great branches, agriculture and handicrafts, gave rise to production for exchange, the production of com-

modities; and with it came trade, not only in the interior and on the tribal boundaries, but also overseas. All this was still very undeveloped; the precious metals gained preference as the universal money commodity, but it was not yet minted and was exchanged merely by bare weight.

The distinction between rich and poor was added to that between freemen and slaves—with the new division of labour came a new division of society into classes. The differences in the wealth of the various heads of families caused the old communistic household communities to break up wherever they had still been preserved; and this put an end to the common cultivation of the soil for the account of the community. The cultivated land was assigned for use to the several families, first for a limited time and later in perpetuity; the transition to complete private ownership was accomplished gradually and simultaneously with the transition from the pairing family to monogamy. The individual family began to be the economic unit of society.

The increased density of the population necessitated closer union internally and externally. Everywhere the federation of kindred tribes became a necessity, and soon after, their amalgamation; and thence the amalgamation of the separate tribal territories into a single territory

of the people. The military commander of the people—*rex, basileus, thiudans*—became an indispensable and permanent official. The popular assembly was instituted wherever it did not yet exist. The military commander, the council and the popular assembly formed the organs of the military democracy into which gentile society had developed. A military democracy—because war and organization for war were now regular functions of the life of the people. The wealth of their neighbours excited the greed of the peoples who began to regard the acquisition of wealth as one of the main purposes in life. They were barbarians: plunder appeared to them easier and even more honourable than productive work. War, once waged simply to avenge aggression or as a means of enlarging territory that had become inadequate, was now waged for the sake of plunder alone, and became a regular profession. It was not for nothing that formidable walls were reared around the new fortified towns: their yawning moats were the graves of the gentile constitution, and their turrets already reached up into civilization. Internal affairs underwent a similar change. The robber wars increased the power of the supreme military commander as well as of the subcommanders. The customary election of successors from one family, especially after the introduction of father right, was gradually transformed into hereditary

succession, first tolerated, then claimed and finally usurped; the foundation of hereditary royalty and hereditary nobility was laid. In this manner the organs of the gentile constitution were gradually torn from their roots in the people, in gens, phratry and tribe, and the whole gentile order was transformed into its opposite: from an organization of tribes for the free administration of their own affairs it became an organization for plundering and oppressing their neighbours; and correspondingly, its organs were transformed from instruments of the will of the people into independent organs for ruling and oppressing their own people. This could not have happened had not the greed for wealth divided the members of the gentes into rich and poor; had not "property differences in a gens changed the community of interests into antagonism between members of a gens" (Marx); and had not the growth of slavery already begun to brand working for a living as slavish and more ignominious than engaging in plunder.

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This brings us to the threshold of civilization. This stage is inaugurated by further progress in division of labour. In the lowest stage men produced only for their own direct needs; exchange was confined to sporadic cases when a surplus was accidentally obtained. In the middle

stage of barbarism we find that the pastoral peoples had in their cattle a form of property which, with sufficiently large herds and flocks, regularly provided a surplus over and above their needs; and we also find a division of labour between the pastoral peoples and backward tribes without herds, so that there were two different stages of production side by side, which created the conditions for regular exchange. The upper stage of barbarism introduced a further division of labour, between agriculture and handicrafts, resulting in the production of a continually increasing portion of commodities especially for exchange, so that exchange between individual producers reached the point where it became a vital necessity for society. Civilization strengthened and increased all the established divisions of labour, particularly by intensifying the contrast between town and country (either the town exercising economic supremacy over the country, as in antiquity, or the country over the town, as in the Middle Ages), and added a third division of labour, peculiar to itself and of decisive importance: it created a class that took no part in production, but engaged exclusively in exchanging products—the *merchants*. All previous inchoative formations of classes were exclusively connected with production; they divided those engaged in production into managers and performers, or into producers on a large scale

and producers on a small scale. Here a class appears for the first time which, without taking any part in production, captures the management of production as a whole and economically subjugates the producers to its rule; a class that makes itself the indispensable intermediary between sets of two producers each and exploits them both. On the pretext of saving the producers the trouble and risk of exchange, of finding distant markets for their products, and of thus becoming the most useful class in society, a class of parasites arises, genuine social sycophants, who, as a reward for very insignificant real services, skim the cream off production at home and abroad, rapidly amass enormous wealth and corresponding social influence, and for this very reason are destined to reap ever new honours and gain increasing control over production during the period of civilization, until they at last create a product of their own —periodic commercial crises.

At the stage of development we are discussing, the young merchant class had no inkling as yet of the big things that were in store for it. But it took shape and made itself indispensable, and that was sufficient. With it, however, *metal money*, minted coins, came into use, and with this a new means by which the non-producer could rule the producer and his products. The commodity of commodities, which conceals

within itself all other commodities, was discovered; the charm that can transform itself at will into anything desirable and desired. Whoever possessed it ruled the world of production; and who had it above all others? The merchant. In his hands the cult of money was safe. He took care to make it plain that all commodities, and hence all commodity producers, must grovel in the dust before money. He proved in practice that all other forms of wealth were mere semblances compared with this incarnation of wealth as such. Never again has the power of money revealed itself with such primitive crudity and violence as it did in this period of its youth. After the sale of commodities for money came the lending of money, entailing interest and usury. And no legislation of any later period throws the debtor so pitilessly and helplessly at the feet of the usurious creditor as that of ancient Athens and Rome—and both arose spontaneously, as common law, without other than economic compulsion.

Besides wealth in commodities and slaves, besides money wealth, wealth in the form of land came into being. The titles of individuals to parcels of land originally assigned to them by the gens or tribe were now so well established that these parcels became their hereditary property. The thing they had been striving for most just before that time was liberation from the

claim of the gentile community to their parcels of land, a claim which had become a fetter for them. They were freed from this fetter—but soon after also from their new landed property. The full, free ownership of land implied not only possibility of unrestricted and uncurtailed possession, but also possibility of alienating it. As long as the land belonged to the gens there was no such possibility. But when the new landowner shook off the chains of the paramount title of the gens and tribe, he also tore the bond that had so long tied him inseverably to the soil. What that meant was made plain to him by the money invented simultaneously with the advent of private property in land. Land could now become a commodity which could be sold and pledged. Hardly had the private ownership of land been introduced when mortgage was discovered (see Athens). Just as hetaerism and prostitution clung to the heels of monogamy, so from now on mortgage clung to the ownership of land. You clamoured for free, full, alienable ownership of land. Well, here you have it—*tu l'as voulu*,[1] Georges Dandin!

Commercial expansion, money, usury, landed property and mortgage were thus accompanied by the rapid concentration and centralization of wealth in the hands of a small class, on the one

[1] You wanted it.—*Ed.*

hand, and by the increasing impoverishment of the masses and a growing mass of paupers, on the other. The new aristocracy of wealth, in so far as it did not from the outset coincide with the old tribal nobility, forced the latter permanently into the background (in Athens, in Rome, among the Germans). And this division of free men into classes according to their wealth was accompanied, especially in Greece, by an enormous increase in the number of slaves,[1] whose forced labour formed the basis on which the superstructure of all society was reared.

Let us now see what became of the gentile constitution as a result of this social revolution. It stood powerless in face of the new elements that had grown up without its aid. It was dependent on the condition that the members of a gens, or, say, of a tribe, should live together in the same territory, be its sole inhabitants. This had long ceased to be the case. Gentes and tribes were everywhere commingled; everywhere slaves, dependents and foreigners lived among the citizens. The sedentary state, which had been acquired only towards the end of the mid-

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[1] For the number of slaves in Athens, see above, p. 95. In Corinth, at the city's zenith, it was 460,000, and in Aegina 470,000; in both, ten times the number of free burghers. [*Note by Engels.*]

Engels gives the page of the fourth German edition. See p. 195 of this volume.—*Ed.*

dle stage of barbarism, was time and again interrupted by the mobility and changes of abode upon which commerce, changes of occupation and the transfer of land were conditioned. The members of the gentile organization could no longer meet for the purpose of attending to their common affairs; only matters of minor importance, such as religious ceremonies, were still observed, indifferently. Beside the wants and interests which the gentile organs were appointed and fitted to take care of, new wants and interests had arisen from the revolution in the conditions of earning one's living and the resulting change in social structure. These new wants and interests were not only alien to the old gentile order, but thwarted it in every way. The interest of the groups of craftsmen created by division of labour, and the special needs of the town as opposed to the country, required new organs; but each of these groups was composed of people from different gentes, phratries and tribes; they even included aliens. Hence, the new organs necessarily had to take form outside the gentile constitution, parallel with it, and that meant against it. And again, in every gentile organization the conflict of interests made itself felt and reached its apex by combining rich and poor, usurers and debtors, in the same gens and tribe. Then there was the mass of new inhabitants, strangers to the gentile as-

sociations, which, as in Rome, could become a power in the land, and was too numerous to be gradually absorbed by the consanguine gentes and tribes. The gentile associations confronted these masses as exclusive, privileged bodies; what had originally been a naturally-grown democracy was transformed into a hateful aristocracy. Lastly, the gentile constitution had grown out of a society that knew no internal antagonisms, and was adapted only for such a society. It had no coercive power except public opinion. But now a society had come into being that by the force of all its economic conditions of existence had to split up into freemen and slaves, into exploiting rich and exploited poor; a society that was not only incapable of reconciling these antagonisms, but had to drive them more and more to a head. Such a society could only exist either in a state of continuous, open struggle of these classes against one another or under the rule of a third power which, while ostensibly standing above the classes struggling with each other, suppressed their open conflict and permitted a class struggle at most in the economic field, in a so-called legal form. The gentile constitution had outlived its usefulness. It was burst asunder by the division of labour and by its result, the division of society into classes. Its place was taken by the *state*.

* * *

Above we discussed separately each of the three main forms in which the state was built up on the ruins of the gentile constitution. Athens represented the purest, most classical form. Here the state sprang directly and mainly out of the class antagonisms that developed within gentile society. In Rome gentile society became an exclusive aristocracy amidst a numerous plebs, standing outside of it, having no rights but only duties. The victory of the plebs burst the old gentile constitution asunder and erected on its ruins the state, in which both the gentile aristocracy and the plebs were soon wholly absorbed. Finally, among the German vanquishers of the Roman Empire, the state sprang up as a direct result of the conquest of large foreign territories, which the gentile constitution had no means of ruling. As this conquest did not necessitate either a serious struggle with the old population or a more advanced division of labour, and as conquered and conquerors were almost at the same stage of economic development and thus the economic basis of society remained the same as before, therefore, the gentile constitution could continue for many centuries in a changed, territorial form, in the shape of a mark constitution, and even rejuvenate itself for a time in enfeebled form in the

noble and patrician families of later years, and even in peasant families, as in Dithmarschen.[1]

The state is, therefore, by no means a power forced on society from without; just as little is it "the reality of the ethical idea," "the image and reality of reason," as Hegel maintains. Rather, it is a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms which it is powerless to dispel. But in order that these antagonisms, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, of keeping it within the bounds of "order"; and this power, arisen out of society, but placing itself above it, and increasingly alienating itself from it, is the state.

In contradistinction to the old gentile organization, the state, first, divides its subjects *according to territory*. As we have seen, the old gentile associations, built upon and held together by ties of blood, became inadequate, largely

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[1] The first historian who had at least an approximate idea of the nature of the gens was Niebuhr, thanks to his knowledge of the Dithmarschen families—to which, however, he also owes the errors he mechanically copied from there. [*Note by Engels.*]

because they presupposed that the members were bound to a given territory, a bond which had long ceased to exist. The territory remained, but the people had become mobile. Hence, division according to territory was taken as the point of departure, and citizens were allowed to exercise their public rights and duties wherever they settled, irrespective of gens and tribe. This organization of citizens according to locality is a feature common to all states. That is why it seems natural to us; but we have seen what long and arduous struggles were needed before it could replace, in Athens and Rome, the old organization according to gentes.

The second is the establishment of a *public power* which no longer directly coincided with the population organizing itself as an armed force. This special public power is necessary, because a self-acting armed organization of the population has become impossible since the cleavage into classes. The slaves also belonged to the population; the 90,000 citizens of Athens formed only a privileged class as against the 365,000 slaves. The people's army of the Athenian democracy was an aristocratic public power against the slaves, whom it kept in check; however, a gendarmerie also became necessary to keep the citizens in check, as we related above. This public power exists in every state; it consists not merely of armed people but also

of material adjuncts, prisons and institutions of coercion of all kinds, of which gentile society knew nothing. It may be very insignificant, almost infinitesimal, in societies where class antagonisms are still undeveloped and in out-of-the-way places, as was the case at certain times and in certain regions in the United States of America. It grows stronger, however, in proportion as class antagonisms within the state become more acute, and as adjacent states become larger and more populated. We have only to look at our present-day Europe, where class struggle and rivalry in conquest have screwed up the public power to such a pitch that it threatens to devour the whole of society and even the state.

In order to maintain this public power, contributions from the citizens become necessary —*taxes*. These were absolutely unknown in gentile society; but we know enough about them today. As civilization advances, these taxes become inadequate; the state makes drafts on the future, contracts loans, *public debts*. Old Europe can tell a tale about these, too.

In possession of the public power and of the right to levy taxes, the officials, as organs of society, now stand *above* society. The free, voluntary respect that was accorded to the organs of the gentile constitution does not satisfy them, even if they could gain it; being the vehicles of

a power that is becoming alien to society, respect for them must be enforced by means of exceptional laws by virtue of which they enjoy special sanctity and inviolability. The shabbiest police servant in the civilized state has more "authority" than all the organs of gentile society put together; but the most powerful prince and the greatest statesman, or general, of civilization may well envy the humblest gentile chief for the uncoerced and undisputed respect that is paid to him. The one stands in the midst of society, the other is forced to attempt to represent something outside and above it.

As the state arose from the need to hold class antagonisms in check, but as it arose, at the same time, in the midst of the conflict of these classes, it is, as a rule, the state of the most powerful, economically dominant class, which, through the medium of the state, becomes also the politically dominant class, and thus acquires new means of holding down and exploiting the oppressed class. Thus, the state of antiquity was above all the state of the slave owners for the purpose of holding down the slaves, as the feudal state was the organ of the nobility for holding down the peasant serfs and bondsmen, and the modern representative state is an instrument of exploitation of wage labour by capital. By way of exception, however, periods occur in which the warring classes balance each other so

nearly that the state power, as ostensible mediator, acquires, for the moment, a certain degree of independence of both. Such was the absolute monarchy of the seventeenth and eighteenth centuries, which held the balance between the nobility and the class of burghers; such was the Bonapartism of the First, and still more of the Second French Empire, which played off the proletariat against the bourgeoisie and the bourgeoisie against the proletariat. The latest performance of this kind, in which ruler and ruled appear equally ridiculous, is the New German Empire of the Bismarck nation: here capitalists and workers are balanced against each other and equally cheated for the benefit of the impoverished Prussian cabbage Junkers.

In most of the historical states, the rights of citizens are, besides, apportioned according to their wealth, thus directly expressing the fact that the state is an organization of the possessing class for its protection against the non-possessing class. It was so already in the Athenian and Roman classification according to property. It was so in the medieval feudal state, in which the alignment of political power was in conformity with the amount of land owned. It is seen in the electoral qualifications of the modern representative states. Yet this political recognition of property distinctions is by no means essential. On the contrary, it marks a low stage of

state development. The highest form of the state, the democratic republic, which under our modern conditions of society is more and more becoming an inevitable necessity, and is the form of state in which alone the last decisive struggle between proletariat and bourgeoisie can be fought out—the democratic republic officially knows nothing any more of property distinctions. In it wealth exercises its power indirectly, but all the more surely. On the one hand, in the form of the direct corruption of officials, of which America provides the classical example; on the other hand, in the form of an alliance between government and Stock Exchange, which becomes the easier to achieve the more the public debt increases and the more joint-stock companies concentrate in their hands not only transport but also production itself, using the Stock Exchange as their centre. The latest French republic as well as the United States is a striking example of this; and good old Switzerland has contributed its share in this field. But that a democratic republic is not essential for this fraternal alliance between government and Stock Exchange is proved by England and also by the new German Empire, where one cannot tell who was elevated more by universal suffrage, Bismarck or Bleichröder. And lastly, the possessing class rules directly through the medium of universal suffrage. As long as the op-

pressed class, in our case, therefore, the proletariat, is not yet ripe to emancipate itself, it will in its majority regard the existing order of society as the only one possible and, politically, will form the tail of the capitalist class, its extreme Left wing. To the extent, however, that this class matures for its self-emancipation, it constitutes itself as its own party and elects its own representatives, and not those of the capitalists. Thus, universal suffrage is the gauge of the maturity of the working class. It cannot and never will be anything more in the present-day state; but that is sufficient. On the day the thermometer of universal suffrage registers boiling point among the workers, both they and the capitalists will know what to do.

The state, then, has not existed from all eternity. There have been societies that did without it, that had no conception of the state and state power. At a certain stage of economic development, which was necessarily bound up with the cleavage of society into classes, the state became a necessity owing to this cleavage. We are now rapidly approaching a stage in the development of production at which the existence of these classes not only will have ceased to be a necessity, but will become a positive hindrance to production. They will fall as inevitably as they arose at an earlier stage. Along with them the state will inevitably fall. The society that

will organize production on the basis of a free and equal association of the producers will put the whole machinery of state where it will then belong: into the Museum of Antiquities, by the side of the spinning wheel and the bronze axe.

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Thus, from the foregoing, civilization is that stage of development of society at which division of labour, the resulting exchange between individuals, and commodity production, which combines the two, reach their complete unfoldment and revolutionize the whole hitherto existing society.

Production at all former stages of society was essentially collective, and, likewise, consumption took place by the direct distribution of the products within larger or smaller communistic communities. This production in common was carried on within the narrowest limits, but concomitantly the producers were masters of their process of production and of their product. They knew what became of the product: they consumed it, it did not leave their hands; and as long as production was carried on on this basis, it could not grow beyond the control of the producers, and it could not raise any strange, phantom powers against them, as is the case regularly and inevitably under civilization.

But, slowly, division of labour crept into this process of production. It undermined the collective nature of production and appropriation, it made appropriation by individuals the largely prevailing rule, and thus gave rise to exchange between individuals—how, we examined above. Gradually, the production of commodities became the dominant form.

With the production of commodities, production no longer for one's own consumption but for exchange, the products necessarily pass from hand to hand. The producer parts with his product in the course of exchange; he no longer knows what becomes of it. As soon as money, and with it the merchant, steps in as a middleman between the producers, the process of exchange becomes still more complicated, the ultimate fate of the product still more uncertain. The merchants are numerous and none of them knows what the other is doing. Commodities now pass not only from hand to hand, but also from market to market. The producers have lost control of the aggregate production of the conditions of their own life, and the merchants have not acquired it. Products and production become the playthings of chance.

But chance is only one pole of an interrelation, the other pole of which is called necessity. In nature, where chance also seems to reign, we have long ago demonstrated in each parti-

cular field the inherent necessity and regularity that asserts itself in this chance. What is true of nature holds good also for society. The more a social activity, as a series of social processes, becomes too powerful for conscious human control, grows beyond human reach, the more it seems to have been left to pure chance, the more do its peculiar and innate laws assert themselves in this chance, as if by natural necessity. Such laws also control the fortuities of the production and exchange of commodities; these laws confront the individual producer and exchanger as strange and, in the beginning, even as unknown powers, the nature of which must first be laboriously investigated and ascertained. These economic laws of commodity production are modified at the different stages of development of this form of production; on the whole, however, the entire period of civilization has been dominated by these laws. To this day, the product is master of the producer; to this day, the total production of society is regulated, not by a collectively thought-out plan, but by blind laws, which operate with elemental force, in the last resort in the storms of periodic commercial crises.

We saw above how human labour power became able, at a rather early stage of development of production, to produce considerably more than was needed for the producer's main-

tenance, and how this stage, in the main, coincided with that of the first appearance of the division of labour and of exchange between individuals. Now, it was not long before the great "truth" was discovered that man, too, may be a commodity; that human power may be exchanged and utilized by converting man into a slave. Men had barely started to engage in exchange when they themselves were exchanged. The active became a passive, whether man wanted it or not.

With slavery, which reached its fullest development in civilization, came the first great cleavage of society into an exploiting and an exploited class. This cleavage has continued during the whole period of civilization. Slavery was the first form of exploitation, peculiar to the world of antiquity; it was followed by serfdom in the Middle Ages, and by wage labour in modern times. These are the three great forms of servitude, characteristic of the three great epochs of civilization; open, and, latterly, disguised slavery, are its steady companions.

The stage of commodity production, with which civilization began, is marked economically by the introduction of 1) metal money and, thus, of money capital, interest and usury; 2) the merchants acting as middlemen between producers; 3) private ownership of land and mort-

gage; 4) slave labour as the prevailing form of production. The form of the family corresponding to civilization and under it becoming the definitely prevailing form is monogamy, the supremacy of the man over the woman, and the individual family as the economic unit of society. The cohesive force of civilized society is the state, which in all typical periods is exclusively the state of the ruling class, and in all cases remains essentially a machine for keeping down the oppressed, exploited class. Other marks of civilization are: on the one hand, fixation of the contrast between town and country as the basis of the entire division of social labour; on the other hand, the introduction of wills, by which the property holder is able to dispose of his property even after his death. This institution, which was a direct blow at the old gentile constitution, was unknown in Athens until the time of Solon; in Rome it was introduced very early, but we do not know when.[1]

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[1] Lassalle's *Das System der erworbenen Rechte* [*System of Acquired Rights*] turns, in its second part, mainly on the proposition that the Roman testament is as old as Rome itself, that in Roman history there was never "a time when testaments did not exist"; that the testament arose rather in pre-Roman times out of the cult of the dead. As a confirmed Hegelian of the old school, Lassalle derived the provisions of the Roman law not from the social condition of the Romans, but

Among the Germans it was introduced by the priest in order that the good honest German might without hindrance bequeath his property to the Church.

With this constitution as its foundation civilization has accomplished things with which the old gentile society was totally unable to cope. But it accomplished them by playing on the most sordid instincts and passions of man, and by developing them at the expense of all his other faculties. Naked greed has been the moving spirit of civilization from the first day of its existence to the present time; wealth, more wealth and wealth again; wealth, not of society, but of this shabby individual was its sole and determining aim. If, in the pursuit of this aim, the increasing development of science and repeated periods of the fullest blooming of art fell into its lap, it was only because without them the ample present-day achievements in the accumulation of wealth would have been impossible.

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from the "speculative conception" of the will, and thus arrived at this totally unhistoric assertion. This is not to be wondered at in a book that from the same speculative conception draws the conclusion that the transfer of property was purely a secondary matter in Roman inheritance. Lassalle not only believes in the illusions of Roman jurists, especially of the earlier period, but he even excels them. [*Note by Engels.*]

Since the exploitation of one class by another is the basis of civilization, its whole development moves in a continuous contradiction. Every advance in production is at the same time a retrogression in the condition of the oppressed class, that is, of the great majority. What is a boon for the one is necessarily a bane for the other; each new emancipation of one class always means a new oppression of another class. The most striking proof of this is furnished by the introduction of machinery, the effects of which are well known today. And while among barbarians, as we have seen, hardly any distinction could be made between rights and duties, civilization makes the difference and antithesis between these two plain even to the dullest mind by assigning to one class pretty nearly all the rights, and to the other class pretty nearly all the duties.

But this is not as it ought to be. What is good for the ruling class should be good for the whole of the society with which the ruling class identifies itself. Therefore, the more civilization advances, the more it is compelled to cover the ills it necessarily creates with the cloak of love, to embellish them, or to deny their existence; in short, to introduce conventional hypocrisy —unknown both in previous forms of society and even in the earliest stages of civilization— that culminates in the declaration: The exploit-

ing class exploits the oppressed class solely and exclusively in the interest of the exploited class itself; and if the latter fails to appreciate this, and even becomes rebellious, it thereby shows the basest ingratitude to its benefactors, the exploiters.[1]

And now, in conclusion, Morgan's verdict on civilization: "Since the advent of civilization, the outgrowth of property has been so immense, its forms so diversified, its uses so expanding and its management so intelligent in the interests of its owners that it *has become*, on the part of the people, *an unmanageable power. The human mind stands bewildered in the presence of its own creation.* The time will come, nevertheless, when human intelligence will rise to the mastery over property, and define the relations of the state to the property it protects, as well as the obligations and the limits of the rights of its

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[1] I had intended at the outset to place the brilliant critique of civilization scattered through the works of Fourier by the side of Morgan's and my own. Unfortunately, I cannot spare the time. I only wish to remark that Fourier already considered monogamy and property in land as the main characteristics of civilization, and that he described it as a war of the rich against the poor. We also find already in his work the deep appreciation of the fact that in all imperfect societies, those torn by conflicting interests, the individual families *(les familles incohérentes)* are the economic units. [*Note by Engels.*]

owners. The interests of society are paramount to individual interests, and the two must be brought into just and harmonious relation. A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past. The time which has passed away since civilization began is but a fragment of the past duration of man's existence; and but a fragment of the ages yet to come. The dissolution of society bids fair to become the termination of a career of which property is the end and aim, because such a career contains the elements of self-destruction. Democracy in government, brotherhood in society, equality in rights and privileges, and universal education, foreshadow the next higher plane of society to which experience, intelligence and knowledge are steadily tending. *It will be a revival, in a higher form, of the liberty, equality and fraternity of the ancient gentes.*" (Morgan, *Ancient Society*, p. 552.)

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